ASSEMBLY INTERIM COMMITTEE ON
GOVERNMENTAL EFFICIENCY AND ECONOMY

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HEARING IN SAN FRANCISCO,
September 11 and 12, 1962,

PART I.

H. R. 465 (Hawkins - 1961)
Relative to Fire Protection

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H. R. 465 (Hawkins - 1961)
Relative to Fire Protection

MEMBERS OF COMMITTEE:

Lester A. McMillan, Chairman; John T. Knox, Vice-Chairman; Clark L. Bradley; Ronald B. Cameron; Lou A. Cusanovich; Edward E. Elliott; Richard T. Hanna; Joseph M. Kennick; Harold K. Levering; John A. O'Connell; John C. Williamson

CONSULTANT: Maxwell Miller SECRETARY: Teddy B. Wilcox

By Mr. Hawkins:

House Resolution No. 465

Relative to fire protection

WHEREAS, For efficiency and economy of state government and convenience and assistance to the general public all matters dealing with fire and life safety in buildings, and fire suppression conceivably should be incorporated into a single agency; and

WHEREAS, There exists an overlap of activities between the various state departments and agencies, resulting in confusion and lack of uniformity in matters pertaining to fire and life safety; and

WHEREAS, The functions of the following separate state agencies deal with fire and life safety: the State Fire Marshal's Office, the Fire Training Division (Department of Education), Institutional Fire Departments, now under separate departments (i.e. Departments of Mental Hygiene, Corrections and Youth Authority), Division of Housing (Department of Industrial Relations), Schedule A-Service (Department of Natural Resources), Fire Services Division (California Disaster Office), and the California State Police; and

WHEREAS, There also exists a problem regarding the lack of standardization of the wearing apparel which various communities throughout the State require for fire service personnel, which results in higher costs to fire service employees; and

WHEREAS, A standardization of the wearing apparel required for fire service personnel, with due regard to comfort, appearance, utility and climatic conditions, could also result in a lowering of the costs of operation of fire services throughout the State; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Rules Committee is directed to refer to an appropriate interim committee for study the subject of the incorporation into one agency under the direction of the State Fire Marshal's Office of the various state agencies dealing with fire and life safety and the subject of the standardization of the wearing apparel of fire service personnel, and to direct such committee to report its findings and recommendations to the Legislature not later than the fifth calendar day of the 1962 Regular Session.

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

HEARING IN SAN FRANCISCO, September 11 and 12, 1962

PART I.

SUBJECT: H. R. 465 (Hawkins - 1961)
Relative to Fire Protection

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ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

HEARING IN SAN FRANCISCO, September 11, 1962

SUBJECT: H. R. 465 (Hawkins - 1961)
Relative to Fire Protection

CHAIRMAN LESTER A. McMILLAN: All of our members are not present at this time, but many of them are coming up on a morning plane and they will be coming in from time to time. But we have a long agenda so we are going to start with a short committee. First of all I would like to introduce the members who are here and then when the others come in I will introduce them as they arrive. On my extreme left is Edward Elliott from Los Angeles, and right next to me is Assemblyman Harold Levering from Santa Monica, and on my right is the secretary Mrs. Wilcox, and Mr. Lewright, the recorder, Mr. Max Miller, the consultant to the committee, and Morrie Martin the sergeant-at-arms, and my name is McMillan, Chairman of the committee.

Our hearings today and tomorrow are concerned with a number of matters important to the State of California. Under House Resolutions 440 and 465, introduced by Assemblyman Hawkins in the 1961 session, this committee has been charged with a general investigation of the efficiency and operation of government agencies. As a practical matter, we have decided to limit our study to several items. First: The State Fire Marshal's office. We shall attempt to determine the extent of overlapping fire activities now undertaken by other state agencies; problems of enforcement of state fire laws, including inspection and servicing of fire extinguishers; the handling, storage and transportation of explosives; the present laws regarding fireworks; training programs; the Fire Marshal's authority in the field of apartment houses and hotels, as well as other areas of building and housing; recommendations for dealing with such problems and strengthening this agency so as to eliminate duplication, unnecessary inspections; and resulting economies

in state government.

I hope we shall be able to begin promptly tomorrow with our next major item, that is proposals for a State Air Transport Pool, in line with House Resolution 440 which specifically directs attention towards the application by the state government of "methods and principles now employed by private industry and business." We shall review the feasibility of utilizing air transportation on a coordinated basis similar to the well-tested motor transport pool now in use.

We expect to devote tomorrow afternoon to testimony on a subject of far-reaching significance. This is consideration of the need for developing a perpetual inventory of lands, buildings, and other facilities or physical resources owned by the state. Such an inventory would make possible an overall coordination with the planning for current and long-range needs of the state through some form of inter-departmental organization, or by charging an existing agency such as the State Lands Commission with this responsibility. Development of such a program would materially affectacquisition of lands, rights-of-way, buildings and other facilities. I believe such a program, if established, could prove tremendously beneficial to our state.

At the request of its author, we have dropped Assembly Bill 1026 by Assemblyman Meyers, which was originally announced for this meeting.

We have a full agenda, so without further comment I shall call our State Fire Marshall, Mr. Glenn Vance, our first witness, and his guests, to begin their testimony. Mr. Vance.

GLENN VANCE: Gentlemen, I am Glenn Vance, the State Fire Marshal. I have prepared most of what we are going to say or what we have to offer for your consideration in writing and in lieu of taking a lot of time I will just try to cover these very briefly as I run through them. I will try to stay with the same sequence in which we have prepared our

material. For any of those in the audience, there are a few extra ones that may be had back here. Very briefly in the introduction I attempted to outline the basic duties and responsibilities of the State Fire Marshal's Office. The Office actually consists of 49 paid deputies and a clerical staff of 30 people throughout the whole state of California. We have three district offices, one in San Francisco, one in Los Angeles, and of course headquarters in Sacramento. We have ten branch offices. These are comprised usually of one man and are located all the way from Eureka actually down into San Diego. The reason we have these, of course, is to reduce driving time and to make services available, because most of these branch office deputies do actually live in the area in which their branch offices are located.

The actual responsibilities or duties or activities, as we would, of our State Fire Marshal's office cover a multitude of material, or very specific responsibilities which are separate, and maybe not even actually related to one another. Starting off, we control the manufacture, the import, wholesale and retail sales of fireworks in the State of California, under what is known as the "Safe and Sane Fireworks Law". We inspect and certify and actually license all cargo tankers. This is new legislation and we are implementing it now with regulations. All cargo tankers used on trucks in transporting flammable liquids with a flash point less than 200° Fahrenheit. This pertains only to the construction of the cargo tank itself. It was an industry sponsored bill and it was very gratifying at our public hearings that they seemed happy with the regulations and we're ready to implement that law at the present time.

We regulate the use, storage and transportation of explosives. Our deputies prepare routes, maps, safe stopping places, safe places to eat, and this is done in connection with the local fire officials. We

prepare these maps and they are distributed by the California Highway Patrol who do the actual enforcement in the field as far as being sure that a truck is on the right route, and so on.

McMILLAN: Is that the limit of your regulation of explosives?

VANCE: Pretty much so, with the exception, and I have made it a point to discuss a weakness we believe in the law, and I will try to bring out some of our activities there. We regulate and approve use, installation and maintenance of all dry cleaning equipment in the State of California. This is probably the oldest function we perform. The office was founded in 1923 and implemented by money in 1927 for one purpose and that of course was to control the dry cleaning industry. We have moved out of that field to an extent, and also I will try to develop that further, if I may.

We regulate and license concerns testing and servicing fire extinguishers. This is new legislation -- came out in 1961 Session. This includes where you should put extinguishers, the type that may be sold in California and basicly is to license and to know that people who are doing this work are doing a good job, and know what they are doing.

We conduct regular training and inspection programs in all state institutions. This is a separate and specific statuatory delegation of responsibility.

We prepare regulations, extensive regulations, and assist in the enforcement -- in many cases we are the prime enforcing agency -- for the design, construction, operation and maintenance of all places of public assembly in the State of California where more than 50 people may gather; all schools, public and private; and all institutional occupancies. These include jails, asylums, hospitals, nursing homes, homes for aged, children's homes and so on. This probably constitutes 50 to 60% of our

total work load. In this field we check working drawings, plans for the licensing agencies -- the Department of Mental Hygiene, Department of Corrections, Social Welfare, and Public Health, as an architectural advisory service with the check confined to the regulations which are in the field of fire and life safety. We do not check for structural requirements.

We regulate use, construction and maintenance of all canvas tents -- circus tents, carnival tents, and canvas enclosures intended for public assembly.

We test and approve and license allchemicals, all persons who apply chemicals for a fire retardant treatment of decorative materials in California. We have an obscure law, and effective law, we regulate and test for flammability of wearing apparel in California -- the import or manufacture of any wearing apparel in California has to come within certain thresholds of flammability.

We regulate and design the construction of all state institutions. This is in addition to the one man we have assigned to training the people in the institutions' fire department, and one man is on a continuous inspection program of all our state institutions which does include all our prisons, our conservation centers and so on. The state institutions referred to here would be any of these that would constitute a state institution, be other than state colleges, state office buildings, and so on. We regulate design here only on a spot check basis with private architects and with the State Division of Architecture. I would like to develop that a little more with your approval.

We approve and list all fire alarms and automatic sprinkler systems which are required by law to go into all mental facilities and into homes for aged.

We prepare and publish lists of materials and equipment used for construction and the installation of equipment to see that it does conform to the basic fire and panic standards of our own regulations. This was an interesting law that came out of the American Institute of Architects and was put through and fostered by them and is to give designers, owners, contractors a good clean-cut set of drawings, descriptions, and so on, of fire resistant building materials.

We deputize the chiefs in all the cities. We do this, actually we can operate with say, 50 people, field deputies, excluding myself and one assistant. In other words, they have exactly or identically the same power as the state fire marshal, probably more so in many cases because they also are enforcing their own local ordinances. As a matter of fact, the delegation of authority is to the point that we do not go in, nor would we be entitled to go into a city, a county or a fire protection district without a request from a fire official or from the governing body, if they have a fire official. As I pointed out, the Fire Official is appointed by the Governor and is a member of hiscabinet, and we are a full department and have departmental status, though probably one of the smallest. We have an 11 man Fire Advisory Board picked from fire officials in the state. This board is appointed by the Governor with Senate confirmation. They are primarily to coordinate the activities of the State Fire Marshal with the local problems, and certainly to advise in the preparation of the regulations which will effect the facilities within their areas.

That, gentlemen, is a brief rundown on the heterogenous duties, obligations or responsibilities which we do attempt to enforce and which are enforced by the local officials.

As far as my statement is concerned, I did want to direct the attention of this committee to the inadequate financial support for

enforcement of our dry cleaning laws in California. For many years we licensed the dry cleaners, gave the examinations, inspected the facilities for fire and life safety. This was until 1945 when the State Board of Dry Cleaners was established. They took over all the functions of the licensing and giving of the examinations and checking into the licensing of the dry cleaning industry. This relegated our field to the physical aspects, the approval of equipment, the actual inspections physically, the fact that they are using either flammable materials or toxis materials, the extent of the leaking and so on, and actually approval for all dry cleaning equipment which comes into California. To prove the effectiveness of this, our dry cleaning industry in California enjoy the lowest first, accident rates, and they do enjoy some of the lowest insurance rates in this industry throughout the United States. Now, the heading on this is inadequate financial support. In the laws we are to draw money from the licensing fees which are paid to the State Board of Dry Cleaners to support our end of the program. For various reasons this has fallen short for the last two years. As a matter of fact in the last fiscal year we did have to go to the general fund and ask for five thousand some odd dollars to keep this program on at least a minimum of enforcement quality.

McMILLAN: Are the dry cleaners the only source of revenue? For your department?

VANCE: Yes. No, for the dry cleaning phase of our work is all, Mr. Chairman. Now, we are faced with this. Obviously next year, and we think we should explore the possibility of making this again a self supporting program, and not have to dip into the general fund. There has been a tremendous impact in this industry with the introduction of coin operated dry cleaning equipment into California. Where the average cleaning plant, usually comprised of one commercial unit, now it is not

unusual for a coin operated plant to bring in all the way from five to 20 individual units. Each unit, bear in mind, if I could direct your attention to this, requires approximately the same scrutiny as the individual's unit did before we got into this public used coin operation. By that I mean, if they put 20 units into a plant, this actually means they have got 20 plants as far as we are concerned. We again must check all the gaskets, we must check the piping, the electrical service and the whole gamut of things which we do look for in the physical operation of any dry cleaning unit. So, what has happened, the money is being reduced as far as the dry cleaners' fund, and I would ask -- certainly they explain why this has been done, or why they have been short of money and so on, because I think there are very valid reasons why this has occurred. We have found our work load going up in this field. Consequently we are having to do the rather unhealthy thing of requesting additional monies from the general fund which we want to stay as far away from as possible.

I made some brief recommendations here for how we might raise additional revenue. One, of course, is the very obvious way of raising the dry cleaning licenses in the State of California to provide this additional money. Or, we could levy an additional fee for what we call a pilot installations and the approval of new dry cleaning equipment. This is where our time goes. They bring brand new equipment into California and we have to have a man there quite regularly. Here's where the bugs are found in the equipment. This is where the problems occur. So it does take more time, and possibly the industry itself, and by industry I mean the manufacturers and even distributors should assume this additional load. This is another way, I think, of possibly giving us back this five to fifteen thousand, depending. Last year it was five, this year it will run approximately fifteen, the deficit, according to

our projected figures.

Or, it appears possible that the State Fire Marshal's Deputies in the course of our regular work, we are in and out of every plant. This is a field that is not delegated to the local authorities. Our representatives are actually in these plants once a year -- that they check the license when they are in the plant to determine if there is conformance with the license requirements. Now, we did this of course just prior to 1945 and this service is now being performed by the Division of Investigation in the Department of Professional and Vocational Standards by actual investigators. However, I feel that there possibly is some overlap or duplication in this field which at least we could explore. We could check the license on our routine trip. In other words, determine is the man, first, licensed, is this the licensed operator and so on, by another two or three or five minutes in the plant, in addition to our physical inspection of the plant. If we did find a violation, then certainly report it to the State Board of Dry Cleaners or to the investigating agency or probably both, to take any court action or any other regulatory action that was called for. I don't know how many people are assigned to this in the investigating division. I do feel that the fact that our people could do this checking when they are in there, regardless of how many they have, we could reduce the figure in manpower expended and be able to absorb this possibly to perform our own portion of the program without dipping into the general fund. That is what I wanted to develop here for exploration.

Mr. Chairman, do you want me to go on through these? These are completely separate subjects, now.

McMILLAN: Yes.

VANCE: We have found ourselves with inadequate revenue to enforce the laws regulating sale, servicing and testing of fire extinguishers.

Responsibility for this function was given to us in 1961 under Assembly Bill 2214. This was not departmental legislation, although we did try to assist the authors in the technical aspects of it and it did pass. We projected figures to the department of Finance as to what we possibly would need in the way of making this a completely self-supporting program, and I think they were accurate. It wound up with a license fee of $35 for any person or firm who engages in the operation of selling, servicing, testing, of fire extinguishers in the state. In the Special Session, however, a thing came to light which we didn't foresee and neither did the legislative advocates who were representing a couple industries I am going to mention -- they were the hardware dealers in the state and the boat marina people. We didn't realize the impact this $35 fee would be on these people who are simply selling an extinguisher, or 5 or 6 or 10 or maybe even a dozen in one year, but do no testing, no servicing, none of the technical treatment that a fire extinguisher does require. So a bill was introduced, a Senate bill, which reduced the fee for those people only selling, to one dollar. That drastic curtailment of our activities in the enforcement field, because it cut the anticipated revenue probably by 70%. We did support the legislation any way we could possibly, because it was a good thing and it should have been done and should have been noticed in the original act. One of those things. But now we find ourselves with a law which preempts the field as far as local licensing and was one of the basic reasons for this legislation, because the assessment of various fees ranging all the way from $300 down to $10 or $15 to perform any of these acts in a political subdivision. The fact that there were some for $300 a day certainly indicated that the local fire officials didn't possibly want an outside concern in the area performing these services. Well, in any event, we are now faced with the fact that 70% of the program is

defunct. As a matter of fact, we have one man on the enforcement, and we do have a preemptive law. We are either going to have to change the preemption and put this back into the hands of the local people to do their own licensing of these folks, or we are going to have to think of a way to raise additional revenue. And here I have recommended at least exploration of two areas.

One would be to require that an approved label be affixed to each extinguisher unit sold, service, or tested, these labels to be purchased, and this is an over simplification because this is involved legislation -- you get into a label, and we would of course try to shy away from the stamp aspects -- but these would be purchased in the state for five or 10 cents apiece. In other words, the protection the people who have extinguishers are receiving would be absorbed by that individual at ten cents a unit. This would actually support the program as nearly as we can determine. Other states such as New York, and even some of our state agencies, we as a department do support some other programs -- fireworks, the licensing of these fire retardant chemical concerns, etc., by a stamp and a seal to bring in the revenue necessary to perform this work.

A second alternative would be to raise the license fee for those engaged in the testing or servicing of fire extinguishers on what we think preferably should be a sliding scale. For example, this would help the small businesses, for people who maybe do only 10,000 of these in a year. Other large concerns may do 90 to 100,000 in a year. So if you take the basic $35 fee we now levy for a firm doing 5,000 units and $35 for each additional 5,000 units, this would be a direct levy on the concern performing the work. So that a concern doing 90 to 100,000 would be supporting his share of the program, because there would be this much more inspecting. Inspections are made of the testing

equipment regularly, spot checks in the field to see that the work is being performed in an adequate manner. Either one of these alternatives would require legislation.

This is an area of great concern, this next item I am coming to. Fire and Life Safety in Existing Hotels and apartment houses. The State Fire Marshal has no authority or responsibility for fire and life safety conditions in either new or existing hotels. We never have had and the laws have never included us under this area of responsbility. Because I do have most of the members of the fire advisory board here today I did want to talk about this, because it is an area, believe me, of great concern to the fire officials. I don't think I would be contradicted by any fire official in the state in saying this is the largest death potential we do have. That is our substandard, existing, older hotels and apartment houses.

McMILLAN: You have no jurisdiction over them?

VANCE: None whatsoever. Following some tremendous fires in 1946 particularly, there were a couple hundred people killed, all in one year. It was a tremendous impact. In 1947 and 8 there was legislation proposed, there was a great deal of studying done, both on the local and the state level. By and large as the impact of these deaths died down, so did the enthusiasm for the legislation. We believe very definitely, and I say we in the fire service, that although we do have good laws now, we have good building codes in most areas which certainly cover new construction of hotels and apartment houses, the basic problem is still that we are living with these older, obsolete in many cases, hotels and apartment houses and as far as we know there is no state law and maybe only in one or two cities have they really explored the possibility of enforcing retroactive laws which is obviously the only way you are ever going to get in and clean up these open stairways,

thin paneled doors, lack of fire escapes, poor exiting, large dead end corridors, highly inflammable finish materials on the corridors and rooms, and all the things that go into an obsolescent building such as old wiring and some of the things that came out either in early codes where they didn't have the experience or there were no code provisions to cover some of these areas of concern.

McMILLAN: Since we opened the meeting we have two new members that arrived. Mr. Bradley on my left from Santa Cruz and Mr. Kennick from Long Beach on my right. Mr. Bradley.

BRADLEY: I was just wondering -- do you have any statistics on these hotel and apartment house fires in relation to the cause of the fires to, for instance, defective wiring versus cigarette smoking in bed, and such as that?

VANCE: Nothing specific. I imagine people in the Division of Housing here might. As a cause of fire, what would actually start and ignite material, is a very important thing, I admit. But even of equal importance is your building construction, in order to contain a fire. In other words, would it be contained within a room, or if it did burst out of a room or out of a basement area, is an open stairway going to constitute a chimney and fill every corridor with smoke, making all of them untenable. If you get heat, the old thin panel doors which the original codes permitted, are they going to give you any protection in a room, where you can't get into that corridor again, or are you going to have to go out the windows. The interior finish materials in an old building are of equal importance. Coat after coat of paint, layer after layer of varnish, all highly flammable. The Hartford, Connecticut hotel fire proved this. The garden variety of acoustical tile we buy on the market today -- this wasn't a very old building in terms of the tile application -- gave impetus to this fire, letting it spread down the

corridors. They had thin panel doors in this case again, letting it into some other rooms, before the fire people could get there. The actual cause of a fire, I think a great deal of it is very definitely carelessness of the occupants of hotels and apartment houses. But because we do have this as a human nature factor, we're going to do the best we can with the buildings, because once a fire is started, whether it is in the kitchen or a basement or any other area that will be contained, so that it won't spread through the building and make the rest of the building dangerously untenable. I didn't mean to talk around the question, but they are so closely related, Mr. Bradley, that I don't think you could gain much by knowing how many were started from electrical wiring or how many were from illegal storage or careless smoking and other things.

McMILLAN: Mr. Levering also has a question, Mr. Vance.

LEVERING: I just want to ask a question, because you covered so much material already, and I am just a bit confused on the various subjects as you went from one to the other. This pertains to your jurisdiction. In the early part of your statement, as I recall, you said that you deputized the fire chiefs in the various communities, and then they had the same power that you have.

VANCE: With respect to most of the laws, Mr. Levering, and not going into great detail, there are a couple areas where we are the --

LEVERING: My question is this. When you deputize a fire chief to do a certain -- and he carries out his duties in accordance with the code that he has in his own particular jurisdiction, do you then go into that same jurisdiction with other personnel and do you have two entities doing the same thing? Is there any overlapping in this?

VANCE: None whatsoever. The best illustration, maybe we will take the city in which we are located today. We haven't actually made an

inspection unless they had a highly technical problem -- I would make particular reference to a surgery floor or some of the new developments in conductive wiring, or conductive flooring, or isolated wiring circuits -- highly technical, where we would ever come in. This would be at their request. These other areas -- we never go in -- there is no check made. In fact, we don't know whether the laws are being carried out. There is no duplication. With 50 people in the entire state of California, any area where they do express the desire to do this work themselves -- probably no department enjoys, and I say that because I believe firmly in this as a philosphy, has this tremendous delegation of authority on a home rule basis to the local people. We depend completely on them. Here are the state regulations, we prepare, statement of requirements, with the advice and consent of this Fire Advisory Board I mentioned -- they give us the problems locally, we come up with the regulation -- these are minimum requirements only, to be enforced in these three fields only.

LEVERING: Now what fields are those?

VANCE: Public and private schools, public assembly buildings where more than 50 persons can gather for recreation or entertainment, and in all these institutional occupancies. We have some 32,000 of these in the state.

LEVERING: Now does that pertain to rest homes?

VANCE: Yes. Nursing homes, hospitals.

LEVERING: There is no duplication there?

VANCE: No.

LEVERING: Well, then, that's a change from what you had some years ago.

VANCE: Actually before -- probably it was 1945 when if -- similar to existing laws -- if you suspicioned or there was reason to believe

there wasn't being effective local enforcement carried out, the Fire Marshall did go in. This no longer is the case. In 1945 the statute was changed to say, not only do the local people do the work, but the Fire Marshall cannot come in without a specific request from the fire official or from the governing body.

LEVERING: I wasn't a member of the Legislature in 1945, but I have had problems of this character brought up since that time, where the local entity would approve a rest home and then they get in trouble with the State Fire Marshal. Now, is that done away with, or is that still continuing, or is that overlapping? I know that that occurred.

VANCE: It still can occur on this basis, Mr. Levering. Occasionally in a very small political subdivision -- at least it has been confined to that in my experience --

LEVERING: Well, for instance the City of Santa Monica -- that's not so small -- that's where this occurred.

VANCE: No. I was thinking of the smaller ones. On occasion a designer, an architect will be operating for a client, and designs, say, a set of plans for a nursing home. It clears through the local building official, possibly, with permits and everything that goes with it. That same set of plans, because that is a licensed facility, comes to the State Department of Public Health, where they check for the functional things they want -- the slop sinks, and so on, in accordance with their regulations. As an advisory service for the enforcement of the state minimum requirements, they send that set of plans to the State Fire Marshall and we check them against our regulations. From then on, it is completely in the local people's hands. Now, what has happened is that a building official on occasion this has happened -- I doubt it could happen in Santa Monica or any of the larger cities with a professional building official, because he knows the statement of

requirements, that they do exist. But this has happened in some areas where the building official hasn't known -- they go ahead and construct the building even, with marked deficiency, even in view of these minimum requirements. These aren't maximum. And a city many times -- many cities do enact ordinances far more restrictive than the state minimum requirements. Right now we are revising. This is a continuous problem, trying to hold the line on minimum. Fire people, building people, we are all prone to want to crusade. If you are going to revise a regulation, make it heavy, in other words, cut your calculated risk. We live with a certain amount of calculated risk in the fire business. So the more you can reduce this, if the opportunity presents, the more tendency there is to do it.

LEVERING: That would apply also to these old residences that are converted into rest homes.

VANCE: That's right. And I believe we should go back historically to the reason the fire people are in there, are in this field, and this is because the legislature did see back in the forties -- in 1945 it became a piece of legislation -- that these were areas of statewide concern. In other words, you could wind up in a hospital or nursing home, or, if you will excuse the expression, even in jail, in Eureka just as soon as you could maybe down in the City of Los Angeles, the City of San Francisco. So because they were areas of statewide concern -- and I make particular reference to the schools, public and private -- the legislature certainly must have seen fit to say "We need minimum fire and life safety regulations in these," and in turn said "if there is a local fire official, he shall enforce these same regulations."

LEVERING: Thank you.

VANCE: I will try to make these as briefly as I can, because I have written up --

McMILLAN: Mr. Kennick.

KENNICK: Along Mr. Levering's line, and I came in late, if these things have been answered, I hope you will forgive me, Chief, your fire inspection is based on the fact that the place is licensed by some state department. Is that correct?

VANCE: That would be the institutional occupancies. Those licensed by mental Hygiene, by Public Health, and by the State Department of Social Welfare.

KENNICK: And your function, then, would be to review the plans of any of those institutions to see that they came up to the minimum state requirements.

VANCE: That's right, Mr. Kennick.

KENNICK: Do you have much trouble in that line in the converting of old homes and whatnot into rest homes for the aged?

VANCE: In our redevelopment areas, and this has been true even before the extensive redevelopment plans, old homes are a real invitation because they are so big. They are obsolescent, either becoming one thing -- an apartment house, a rooming house, or an occupancy of substantially a higher return on your dollar invested, is a home for aged. The law does require people in the homes for aged licensed by Welfare to be what is known as ambulatory only. Well, through senescence and illness and all the things that go with growing older, most of these people inevitably become non-ambulatory. So you have to look at the building first from that point of view. It may only be licensed as an ambulatory facility, but these old homes, and the majority of them of course were two story, or three story, didn't even conform to codes that were 30 or 40 years old. Calling these minimum requirements -- they were so minimum, many of these did get into operation. Now there are a flood of these coming on the market. Real estate people have learned to call

their local fire official or building official. Many of them get hold of our office to be sure someone doesn't get into a contract or a lease or even a purchase of some of these old obsolescent things. Most of them aren't fit -- were never intended to house people, although they aren't allowed to give nursing care in a home for aged -- many of these people do wind up pretty much of the time in bed and by the same token would have a great deal of difficulty in removing themselves. They are not fire resistive, wood lath and plaster in many cases, some of the older materials -- like I say, layer after layer of paint, the obsolescent wiring, and certainly inadequate exits. When you build a home you don't think in terms of maybe two ways to get out of the upper floors the way we do in the institution type occupancy.

KENNICK: Having approved plans for such a place, then do you determine that they are fulfilled?

VANCE: No, we don't.

KENNICK: It is not your function to inspect these places.

VANCE: No. That is a local fire -- and usually in conjunction with the building official. In most cities, they do work together very closely. This is their job. They issue us a clearance, Mr. Kennick. It says, fire clearance is herewith granted for 25 - 30 or 10 people, whatever has been requested by the owner, and sanctioned by the licensing agency. We in turn do transmit this to the licensing agency in some areas. Many areas, Los Angeles City, deals directly with the licensing authority, and we don't have the paper work to worry about.

KENNICK: That is rather a futile function, as far as the State Fire Marshal is concerned, isn't it? After all, it is the business of the municipality and its fire ordinances and regulations which I presume exceed the state's minimum requirements.

VANCE: In nearly all cases they exceed.

KENNICK: But they still go to you -- the plan goes to you, anyway, in the first place.

VANCE: That's right, yes. And I could tell you this. First we are proud of the record of these facilities. The second thing, the review of the engineering activities -- very, very seldom do we see a plan in which there aren't some mistakes. And I mean significant mistakes, whether it is in exiting, whether it is interior finish to protect the structural members, the installation of fire protection equipment, whether it is sprinklers or stand pipes and so on. Very seldom. The other thing is, it is one state agency working in cooperation with another. Now, if there was a violation in that facility, maybe even in an existing one that the fire people or the building official discovered, the only recourse to a correction isn't necessarily taking them into court on a criminal action, which is what we would have to do, but which we haven't done in I don't think 15 years. The easier recourse is to notify the licensing agency and they in turn would lift the license if it were that serious and that important.

KENNICK: What percentage of such places in the State of California in your opinion are unsafe from a fire point of view? Rest homes, homes for the elderly?

VANCE: I can only answer this way, Mr. Kennick. We have fire clearances on every one that is licensed, which would indicate that -- I wouldn't know whether some maybe don't come completely up to the state minimum requirements. We have no way of knowing this. So I would be forced to say that in the homes for aged, or the nursing homes if you will, because we have received a fire clearance which says that in the judgment of the local fire official, this is a reasonably safe facility, then they are all safe, that are licensed. Some, certainly, are safer than others. Some of these old, old buildings that have been

converted, they have enjoyed a certain latitude which you have to do retroactively, like the wood lath and plaster and some of the older building materials, there have to be concessions made. In other words, you can't enforce regulations retroactively and not make tremendous concessions.

KENNICK: I don't want to belabor the question, Chief, but having determined that there is a minimum requirement, you do nothing to see that it is attained, however.

VANCE: No. We lean on the fire service to inform us.

KENNICK: Thank you.

McMILLAN: Mr. Vance, I am very much confused on just what your function is. Now you inspect the plans for any of the state homes or institutions?

VANCE: The state institutions? That was the next subject. This is, of course, a separate field completely. Here we also make inspections. And I might add quickly, there are many areas in the state which have no fire officials. And here all the laws, and all the regulations become our prime responsibility. We make the inspection and issue the clearance and the whole gamut of activities.

KENNICK: You do determine in those instances that minimum requirements have been met. By actual inspections.

VANCE: By actual physical inspections, yes. But you can see, instead of 50 people which we have now, if we were to go into each facility, I am only guessing, would take 500 or 600 people on the state payroll.

McMILLAN: Well, that was my point. I was wondering how you could make any physical inspection of these many plants with a staff of 50 people.

VANCE: We don't. Where there is a fire authority. We get a great many requests. You see, the same authority is delegated to a chief up

in say Glenn County or Humbolt County or one of the rural counties as is given to the chief of San Francisco Fire Department. In many cases, these are volunteer chiefs, doing an excellent job as far as suppression but certainly fire prevention engineering has become technical enough they won't even begin to tackle it. So they request that we make an inspection and even make the yearly inspection of many of their facilities.

McMILLAN: Let me ask you a question. Take Social Welfare will authorize a home probably for the aged. Now the plans are submitted to you?

VANCE: For a new facility, yes.

McMILLAN: For a new facility. And where do they come from -- the local agency?

VANCE: They would come from the owner; on an existing building in many cases you wouldn't get plans. This would be a hardship to make them prepare them, on, say a building that has been built for ten years, although it may be a good building.

McMILLAN: Well, what if it is a new building?

VANCE: A brand new building, the owner is required to submit plans to the State Department of Social Welfare in this case. As they have no architectural consultants, they have no jurisdiction to enforce fire and life safety regulations, they send them to our office.

McMILLAN: The Social Welfare Department will send it to your office. And if you look over the plans and in your opinion it is adequate, then you issue a license or a clearance?

VANCE: No, we actually issue a letter back to the State Department of Social Welfare, with a copy to the local building official, the local fire official, that we have reviewed plans, and identify them, and any deficiencies we point out, or these plans are in conformance with the state minimum requirements.

McMILLAN: Then do you make any follow up to see that the building

is constructed according to the plans?

VANCE: No, sir. None whatsoever.

McMILLAN: Do you get any report from the local fire department that it complies with the --

VANCE: There we get the fire clearance, ultimately, which says this building is in our opinion safe for housing however many people the licensing agency has okeyed, and this comes in every year from the local people for the annual renewal of the license, so it is a continuous thing. So they do check it out finally, and the building official, too, would issue what is known as a certificate of occupancy.

McMILLAN: All right. Proceed, Mr. Vance.

VANCE: Well the next problem I would ask your consideration of, is the problem of enforcement of fire and life safety regulations in our State institutions and State colleges. There is a section in the Health and Safety Code, Section 13108, which gives us very definite and separate authority in state institutions. This does not, we should bear in mind, include state office buildings or any of the collateral buildings for highways, and so on. The statute specifically says we shall make and enforce regulations not inconsistent with existing laws, in the means of egress and the adequacy of exits and the design and construction of all state institutions. We use our basic regulations -- the same ones apply to your private facilities which are enforced locally as a standard in this case. The weakness is this. In the design section we are concerned first with the structure and structural stability, the aesthetics, and all the things that go into a design of any building, and we are completely out of the structural field of course. We find that we don't have sufficient people, and don't have sufficient man power to make a check of working drawings, so between the time they are on the drawing boards and the time the building is constructed when we

do have a man in, one man in the whole state, going in and checking this whole building out; we hope maybe to get in there on construction or progress checks during construction, when time does permit. By and large this is an impossibility. We find sometimes and this isn't an unusual occurrence, violations of the minimum requirements of what we call Title 19 of the California Administrative Code, which contains these regulations for these buildings. We are in state colleges, not because the law states specifically state colleges, but by an attorney general's ruling which says where people congregate, more than 50 of them, for recreation or instruction, this constitutes a place of public assembly, and not only the state colleges but we also check plans for the universities. These again of course, of necessity, are spot checks, only. The designer has a specific problem with an exit, with an interior finish material -- will this acoustical tile perform, or thickness of the plaster, or the aggregate in the plaster, is this as fire resistive as something else. That is just about the extent of our looking over these plans. So between the drawing board and the finished product many things can occur. Just for your easy reference I have picked some very quickly. We haven't made a concerted effort to compile these. Where state designed projects, where we did find errors and had to effect remedial action after they were completed. Chico State College classroom buildings. The corridors didn't come up to our requirements or for that matter, any building code in the country. In other words, they were large extents of plain glass, lights, and so on. No protection. All codes now prohibit this and ask for a solid corridor and if you put in glass it should be glass containing wire -- fireglass. The correction in this case was $5,000.

LEVERING: Who drew those plans, and were they approved by the State Architect, and the Department of Education?

VANCE: Yes, they were.

LEVERING: Then why didn't they catch it?

VANCE: It's the same reason, Mr. Levering, that the average architect, and I mean good architect, the largest firms repeatedly -- and this is highly technical code material -- it is obscure, it is not easily enforced by an architect who has got these other things to think about. I can't answer for them, certainly, why they didn't catch it. We think it is because they don't have someone checking the working drawings as we do in all our public schools and in our private institutions. This very seldom occurs in this other field.

LEVERING: With all the checks that go on these various plans for school buildings, it seems incredible that they would ever finally have mistakes that had to be corrected by the State Fire Marshal. I mean I can't understand that. That seems to be ridiculous.

VANCE: They do occur.

LEVERING: Somebody must be at fault for conditions of that character.

VANCE: Well, we feel we are remiss in the institutional field, although I am talking now in terms of say only two people, two engineers in the whole state. We could very easily check these plans. I included this in a budget request and we have to submit this type of thing on a priority basis, and they relegated this pretty near the bottom. So you have a few mistakes. They are corrected, and are absorbed by the contractor or sometimes of course by the state, and that is the prime reason I am bringing it before this group because it is a problem. Very quickly, I mentioned down in the gymnasium at the Ramona campus of the state college. Some of these are designed by private architects, and under the new law at least 50% will be designed on the outside where there will be absolutely no plan check. The state has no checking

service. We find ourselves in the position of getting plans where we don't even have responsibility. For example, in the state office buildings we provide this same advisory help. The attorney general tells the Department of Finance, you should ask them in matters of fire, them being the Fire Marshal. Corrections in the Ramona campus -- this was in the exiting in the gymnasium, $9,000. California Conservation Center at Susanville -- there were a substantial number of errors in this. In fact, it was a surprising number because it ran approximately $30,000 to make these corrections. Now these are basic corrections. These aren't hidden, obscure, or difficult things to understand. Corridor construction, we pretty well know in the construction field, you need certain minimum standards. Solid core doors. The flame spread should be below a certain figure. That's about the extent of it. Langley Porter Clinic here in San Francisco. They put acoustical tile in this building and it was very combustible, exactly the same material we had in the Hartford Connecticut fire where we lost some people. I say "we" in the fire business. The corrections here ran $20,000. Separations -- fire separations, which are included in every building code, were put in there. The Sonoma State Hospital ran $7,000; down in Napa around $5,000. There are a lot of minor ones. I didn't want to belabor the question or the problem but the small ones, one and two and three thousand dollars, we feel that we would eliminate most of these.

LEVERING: These are jobs you are talking about that have been done by private architects.

VANCE: No, not all, Mr. Levering. Many of these, except the institutional field -- the state colleges, a great deal of those do go out to private architects. You can't say which is which because under the new law a certain percentage must go out. Under the previous law they could delegate whatever they felt like.

LEVERING: Let's boil it down by asking this question. If an architect is licensed to do a certain job and he is so incompetent that he makes these kinds of mistakes, and somebody has to go in and spend 8 to 30,000 dollars, don't you think maybe that ought to be reason for disciplinary action by the Architect's Board that handles the licenses for these individuals? This seems to be silly.

VANCE: If I would say "yes" to a thing like that, it would probably include nearly every architect in the state of California. With all respect to them, fire prevention engineering has come out of its infancy in the last 10 or 15 years. I am not trying to build it up or exaggerate. For example, a thorough knowledge of construction materials, assemblies. Light weight aggregates are on the market, pearlight, the interior finish, the multitude of plastics that are on the market, the ways of protecting structural members, the actual putting a building together. A job captain prepares the plans. There are people who check with them, at least in the large architectural concerns and the same in the Division. This has become a specialized field. I offer you as a good illustration the City of Los Angeles saw fit to bring a man from the Fire Prevention Bureau and say, you work here in the building with us. You check for these things. We provide people in the school section of the Division of Architecture. That's all they do. There are three or four people checking day in and day out those things that are directly related to fire prevention engineering and the errors have practically been eliminated in the public school construction field. And we feel the same thing -- with two people, just the mistakes I have mentioned here by far surpass their salary. There is always the additional thing, a real error in design, for example in corridor construction or the way you happen to construct, or the safety requirements in the heating and ventilating system, the dampers, the

thermo cutoffs and all that have to be checked out, could cost a life, in addition to costing money.

LEVERING: If you did this, how much more time would be involved? For getting approval, and how much more would the job be held up?

VANCE: I don't foresee anything as far as the delay in time.

LEVERING: You mean you could get this as they go along?

VANCE: In other words, we would be working continually with them, except having them run to us with a little spot problem. And where we don't have the time now to say, well, let's look through the rest of this, because this problem possibly is correlated with another problem. If it's an exiting problem then you have to go clear down through, at least in a multiple story building, because it compounds itself. I think with two people we could perform this function. And I would offer this, and this is again in answer to Mr. Kennick's question a little while ago, in a place of public assembly, in our schools public and private, and in our institutional occupancies, and I am talking now of state institutions where we alone do this actual inspecting and the spot checks on plans, in over 20 years we have not had a loss of life. This is almost an incredible record. We know it isn't all due to dedication, and it isn't all due to the fine regulations. We think they are good, we think they are reasonable. There is an area of luck here, certainly. But what we have done is reduce the caldulated risk to where we have enjoyed this tremendous record in the state. Certainly it belongs on the shoulders, the credit, of the local fire officials by and large, of California. I don't think there is another state in the union that can say what I have just now expressed. Whether it is public assembly, whether it is institutions, or whether it is in their schools.

McMILLAN: Mr. Bradley.

BRADLEY: I notice on Page 9 of your material here that in listing

these errors that occurred, you said that this is a partial list of recent state designed projects where errors in design were found and correction effected after the buildings were completed. Were these errors in connection with old established regulations of your department or were they connected with recent changes of your department?

VANCE: We haven't made any changes yet, Mr. Bradley. We are right now exploring our regulations which are 12 years old to answer the first part of your question. We are trying to bring them up to date, recognize new materials, etc. These are exisiting regulations which have been in effect, the basic regulations, for nearly 25 years.

BRADLEY: They are old established regulations where an error has been made and not new ones.

VANCE: No, no. These are brand new construction projects.

BRADLEY: The projects are new, but the error that occurred in the project was predicated upon an old established regulation.

VANCE: Yes. At least 12 or 14 years old in most cases, without an exception. Because we haven't had any changes in the regulations in that many years.

McMILLAN: I would like to introduce another member of the committee, Mr. Cameron from Los Angeles County, who just arrived and is sitting down in the front seat.

VANCE: The next subject matter and I will try to speed this up, is what we believe is an inadequacy of the State Fire Marshal's Training Program for Local Fire Authorities. Here I make specific reference to fire prevention type training. As I havepointed out, we delegate this tremendous authority in what has become more and more specialized and complex rules and regulations and we find ourselves without any form of training program for these people. So it's never uncommon from one city to another, one county or fire district to another to find, and this is

a very normal thing, particularly in the field of building construction, to get varying interpretations of the same code provision. We have asked again, the Department of Finance, and again were relegated down to a lower priority number, for one training officer, and I would hope to make this self-supporting by some type of tuition. We have had expression from the fire people, we have had it from architects, the American Institute of Architects, that they would attend these seminars, and charge a small tuition, and go through the basic minimum requirements on the state level, on interpretations, on applications, and the type of enforcement inspection. To me this is a thing that has been needed for many, many years and I think probably it is the first time it has been requested. But I can't exaggerate the need, particularly when we delegate all this authority to people to do something that although they have helped write, has become more and more complex, more specialized. This is, believe me, a highly technical field, fire protection engineering. Some states ticket these people, and the engineering background for it is above and beyond what is your garden variety ticket for a new engineer coming out of school. I suggested a few ways here that possibly a tuition fee of $25, and I don't think there is any local subdivision that wouldn't be willing to pay that to have a man come to sit in the course for two or three weeks, would cover the costs of one man's time in teaching this and those materials we would have to prepare to make it an effective course.

McMILLAN: Have you ever discussed this with the local agencies?

VANCE: With most of them. With the fire organizations we have discussed it on occasion. We have almost a continuous expression of desire for this. And in addition to the fire people we have what we think probably would be an eight or nine hundred student body the first year around. And this should be continuous. These are going to be changed -- these regulations. I would hope never again would they lay

for say 12 years and become as archaic and as difficult to enforce because they are old, and not recognize the new materials, the new processes we have.

McMILLAN: You don't need legislation to inaugurate this program, do you?

VANCE: We wouldn't need any legislation here, nor would we in the state college field. This would be simply by the addition of one man with the training background, obviously and a thorough knowledge in fire prevention of engineering.

McMILLAN: Are you asking for that in your budget?

VANCE: We have asked for it, and again this has been relegated down to the bottom of the stack and it won't be an item that the Department of Finance budget division will ask for for us. And neither will the two men in the plan checking for state colleges.

McMILLAN: Did you ask for it two years ago?

VANCE: Not the training man, no. I had very little to do with the preparation of that particular budget.

McMILLAN: Do you propose to ask for it again next year?

VANCE: Yes. I'm talking about the proposed budget for 63 -64. Enforcement problems in the state explosives law -- this is a rather involved situation and I will try to cover it as briefly and as thoroughly as I can. In 1957 there were various changes enacted into the explosive laws in the state. We think we have good laws. There are some areas that are very difficult to enforce. These are again enforced by the local fire officials. By difficult I mean this. In order to buy dynamite caps after you have satisfied various other prerequisites -- age, and so on, you must get a permit from the area in which you are going to use this. This becomes very important with what we call the Saturday afternoon prospecting in uranium and this type of thing, where everybody is encouraged to get out and go around into the mountains and

do a little prospecting. So you go to the area in which you are going to fire or blast, you get a permit from that local fire official, you go back to the county in which possibly you live and buy the materials so you could transport it. The permit situation becomes so involved because we are leaning on the local fire official, and here we went a step farther than we ever have before, and even asked the Division of Forrestry people to help. They have other duties, they have skeleton crews during the winter months, and for various reasons this has fallen flat. And because some people felt strongly enough about rural areas anyway being exempted maybe from the whole shebang, what I mean by that is this involved recording and permit business, it was enacted into the law a very strange exemption procedure whereby a county, the fire officials and the governing body could say "We would like to be exempt from the state law." They petitioned the state Fire Marshal, and if he okeys it, they are exempted. In the exhibit you have there I have shown you some of the counties in red that have exempted themselves.

McMILLAN: Did you exempt some?

VANCE: Yes. I personally haven't, but this has been the custom in the office, and it would be a very difficult line to hold, Mr. Chairman. In other words, if you have the Board of Supervisors and the fire officials of the counties saying "We don't believe we should be under this law," for us to say "We believe you should." I think we should have said that in the beginning, or at least violently opposed the legislation. I almost speculate, I am not an attorney, but the constitutionality of a thing like this.

McMILLAN: Then you have practically no authority in transportation of explosives throughout the state.

VANCE: Actually in the transportation field we do, but in the storage or the use of it, is where this permit business came into effect, we don't. We prepare maps, routes, by sitting down with the local people

and saying "How would you like this truckload of dynamite or maybe one of the new exotic fuels or whatever it is, to go through your city or through your county?" We come up with a meeting of minds on this is a good prescribed route, this is a good place to stop and eat, and only this place. No homes around, no schools, no hospitals, and so on. Or resting places, or a terminal where they might have to dump this on boats or ships, unload from railroad cars and so on. This is a reflection of what the local people would like. This is good. The California Highway Patrol has done a very effective job in the enforcement out on the highways. But it is the permit business and the storage in these counties that has developed into a thing where there is no reason why you couldn't go, for example, to Mono and Inyo Counties and buy 8 or 10 cases of dynamite, do your prospecting in the hills. You live in Los Angeles County or any other county that still is under the law, that felt they should stay under the law, and you can store this in your garage, and fire people have found this. It was stored under the bed in one case, down in Los Angeles County. The fire people came in and put a fire out. Fortunately it didn't go off, or burn, or the caps and the dynamite didn't go off, but this is what occurs from this weak permit thing. And all I would direct attention to or ask that consideration be given to, is to let us prepare regulations in this field, so that you can sit down with these fire people and the governing bodies and say, "What do you think of this permit form. Should we do it on the state level, or is there a way for you to do it?" That's about all be ask there, and I think it could be very quickly remedied. Now it is very tightly tied up in a statuatory provision where there isn't this flexibility where you can enjoy any regulation. You can't relax it. The powder companies, the manufacturers, the fabricators of explosives have tried their darndest to perform a good adequate job, and they feel remiss when they can't keep their ledgers up, and when they know the

stuff is getting out into areas where possibly it shouldn't have.

McMILLAN: Could I go into a hardware store today and buy a few sticks of dynamite if I wanted to?

VANCE: With no reflection on it, you could in certain counties.

McMILLAN: And then could I put that into my car and transport it all over the state of California, if I wanted to, without anybody checking on me or violating any law?

VANCE: Mainly because no one would know it, Mr. McMillan. In other words, you go into this county, they don't have to keep a ledger because they have exempted themselves from that provisions. Actually you would be perpetrating a misdemeanor, maybe even a felony, depending upon what you did with it -- take it into a place of public assembly or school. But just in transporting it, yes, you are, you are violating the law when you have left that county. But this is the gross weakness. No one knows. A ledger wasn't kept. They can buy it in a hardware store and this isn't unusual, in some of the mining areas, to buy this in a hardware store.

McMILLAN: Is there enough restrictive legislation on the selling and transportation of explosives in California today, in your opinion?

VANCE: I think there is, if actually all the counties came under this legislation. But because they are allowed to exempt themselves from state law, these weaknesses have developed.

McMILLAN: You exempt them, don't you?

VANCE: They actually exempt themselves by petitioning us. It would be a very difficult thing if that county and everyone in it that is concerned said "We want to be exempted," and we said "No, you shouldn't be exempted."

LEVERING AND McMILLAN (Together): Why?

VANCE: I am in the rather unhealthy situation of having had this done prior to my time in the office. It is no criticism of my

predecessors. They probably felt like I would. If you get this petition, duly signed requesting this from the Board of Supervisors of the County, and from all the fire officials, we would be I think almost remiss, sitting on the state level, in saying, well, the law permits this but we don't think you should do it. It's a very untenable position, and this is what we would like to remove.

McMILLAN: Would it be any more untenable than it is in any other respect, complying with the building codes, the minimum building codes of the state.

VANCE: I didn't mean untenability in that respect. I mean, just where we sit on the state level as a department in telling these people in that county that although the law says you can do this, we say you shouldn't. This was very specifically put in, to start with, for two counties. And of course it has spread. It is all up in the rural areas where all this mining, blasting, and storing and using of explosives takes place.

McMILLAN: What were the two counties? Up north?

VANCE: Mono and Inyo.

McMILLAN: Mono and Inyo. Mr. Kennick.

KENNICK: Does the law say they can exempt themselves with the permission of the Fire Marshal?

VANCE: Yes, it says that, Mr. Kennick. We have the final say. I would be remiss in saying we don't have.

KENNICK: You think it is a very unhealthy thing for you to do, to allow these --

VANCE: I plan this, to not grant any more. We have two now lying in our office.

KENNICK: Additional legislation wouldn't be necessary. You can solve it yourself if you just sit on it.

VANCE: Yes, except those that have already been exempted. And

they constitute a pretty good chunk of the state, as the little map I included will show you.

McMILLAN: You could repudiate those, couldn't you?

VANCE: I could investigate that, and while we are investigating I might even look into the constitutionality of this thing. One area could say, we don't want to come under the state law. This has always bothered me personally. I was planning to do that during the interim. But I do think we need some remedial work in the area of permits. It has been a very difficult thing for these people. They have tried to conform. Because there is no fire official, a man who has his blasting to do, he has people working for him, has to run from one county to another and gets involved in these rather elaborate permit systems that we now have, would be vastly better off if he could get out from under this type of thing.

BRADLEY: Mr. Vance, isn't it a fact that in these counties like Mono and Inyo, the use of dynamite up there is about like putting a can of beans on the stove. They don't pay much attention to it. I have had just a little bit of experience in seeing how these fellows handle that stuff up there. You'd think it was cord wood they are handling. I think it is just a matter of the fact that these are isolated type counties, they have a small population and the use of dynamite is very extensive, and just about everybody that handles it up there is an expert at it.

VANCE: I agree wholeheartedly to that, Mr. Bradley. What we would like to know, is when a man comes in and buys ten or fifteen cases and maybe these caps --

BRADLEY: Maybe his wife just had a baby -- he's going to celebrate.

McMILLAN: Why do they want to be exempt, Mr. Vance?

VANCE: For the reason Mr. Bradley points out. They know how to handle explosives. They do a good job.

McMILLAN: Well, then, they shouldn't have anything to worry about, should they?

VANCE: Except that you can go into these counties and take them into another county. This isn't unusual. They finish a job in Mono County, and then -- I am thinking even of these people who buy a case, and this is a common thing, they do a little blasting, stumps and so on, and go back to L. A. County or over here to San Francisco County and store this stuff until the next weekend, or maybe it is two months. I thoroughly agree, these areas, they know how to use it, they know how to store it, and actually mining and quarrying operations, storage is exempt. Storage is exempt. It always has been. They know what they are doing with this stuff. But we need some type of permit thing to know and let the man know in the county where this stuff might ultimately be stored, and it is weak now. It is too involved. But we have had these cases, and this is what brought it to our attention, primarily. One in Los Angeles County where the dynamite was stored under a bed.

McMILLAN: Well, now they can do that. They can buy it in Mono County, transport it down to Los Angeles County and store it, can't they?

VANCE: Illegally, if they take it out of that county. They are supposed now to get a permit from the county in which they are going to use it, which would mean also in transporting. That is a whole separate phase of the law which can be enforced, in transportation. This works very effectively. We have been able to control that. We have the routes and the method of transporting it, separating the caps from the dynamite, and so on.

McMILLAN: How about explosives brought in from outside the state?

VANCE: The Railway Express and the railroads themselves, the trucking concerns themselves and so on have been very cooperative. The minute they have a load assigned to California they usually let us know.

But of course there is nothing to say it can't go into one of these exempt counties and be stored. And then we have completely lost touch with it. We don't know how much is sold, or where it is going to be used or anything else.

CAMERON: Mr. Vance, is your point that transporting this material out of Mono or some other exempt county into a county that is not exempt, that the buyer has not been put on notice that there are regulations other than those that are operative in this county, and all you are trying to do is ask these other counties to put the buyer on notice with respect to transportation?

VANCE: Partly that, Mr. Cameron, and then it goes a step further. This is why it is such an awkward type of permit. You must go to the county in which you are going to use or store this. Say you buy it in Mono or Inyo but are going to use it down in Los Angeles County in the foothills, we'll say, to blow stumps. They must necessarily go to the Los Angeles County FireDepartment to get a permit. We are going to use this certain days of the week; if we have any left we will store it, and here's how. Now, we lose complete control of this permit type of thing. They go into Mono and Inyo and buy it, and then they can take it to any county. Certainly this is illegal if there is a way of finding them, and know they are doing this.

CAMERON: What is your solution? To this problem? Getting everybody covered?

VANCE: If we could write regulations on a permit situation, or maybe even change the statute. I think the regulatory aspects are a little more feasible, because there you can work it out with the local people. By local people I mean all the fire organizations. How would you like to see this done? Would you like us to issue the permit? Do you want the Hercules Powder Company to let us know when they send a consignment to Mono County, four or five truck loads, or how do you want

to work this?

CAMERON: Isn't your act broad enough to allow you to write regulations on all this?

VANCE: I don't think so, in that one area. It says you can write regulations, and then it ties this to specific areas. Storage you could regulate, possibly. But I think in the overall picture it is going to have to say that we could prepare regulations with the advice and consent of the State Fire Advisory Board made of local people. I did prepare a rough draft -- we have explored the possibility of what we would like to see in a very terse piece of legislation in this field, but it appears now, in talking to the legislative counsel, we would need a little more as far as statuatory permission to prepare regulations to cover this.

McMILLAN: Mr. Vance, what is your problem with the fireworks in the state?

VANCE: We have very few problems, from where we sit. Fireworks -- obviously you are using fire and explosives -- are a source of fire, could be on occasion. We have had very successful years since we have had what is known in California as safe and sane fireworks. We control qualitatively, quantitatively, very closely every piece of fireworks that comes into the state. The amount of clay in the choke of a handpiece.

McMILLAN: How about that which is manufactured in the state? Do you control that, too?

VANCE: Oh, yes. There are very big license fees levied against these people. And I'll say this, sir, they are tremendously cooperative on that level. Now, there is under this law, this is completely a local option type law, you can either have fireworks in your area or you don't have to have it, depending on the governing body. In 1961, I poled the firechiefs of the state of California and got an excellent response. This is excellent, though it might not sound it, but based on other

inquiries we've made, we got back over 400 returns to "Do you like the present safe and sane local option law?" It ran more than 2 to 1 in favor of this law. They did like it. There were 300 cities in this 400 who did reply. Many areas feel very strongly about this. I mean, against it; although they may not have them in their area they always fear that they may, that their council or their Board of Supervisors may permit them. That's one of the reasons I imagine it was brought into this picture. It is part of our operation, it is a self-supporting program. We have had no serious fires. We have had no serious injuries. In Santa Ana this last Fourth of July we had a serious injury from public display. Now I think without exception all fire officials will agree that public displays are a desirable thing. This is the big display that is put on in the parks, colosseums, and so on. The youngster apparently -- we don't know whether he was able to obtain a pice of fireworks from the public display or whether from a Marine Base which is adjoining the area. We are trying to identify the materials in it and right now we have no idea really which it was. In any event, he did blow one hand off. But as far as safe and sane fireworks, we have had very few fires. We have had a few fires from sparklers.

McMILLAN: What do you mean by safe and sane fireworks?

VANCE: This historically came about when there was a move many, many years ago to do away with fireworks -- all of them. So they took a certain group of fireworks and said, "These are safe and sane." Safe and sane is relegated to specific amounts of powder --

McMILLAN: Did the state do that? The state Fire Marshal?

VANCE: Yes. The Legislature passed the safe and sane law. You cannot purchase anything that explodes in California. No firecrackers, no cherry bombs, nothing that will explode. You cannot purchase anything legally which will fire into the air. It is all relegated to little fountains that spew out sparks, to sparklers themselves, and that is

just about the extent of what safe and sane fireworks constitute.

McMILLAN: Well, now, do they have local option on even the safe and sane fireworks?

VANCE: Yes. Many cities have seen fit not to have even safe and sane. They have a problem, and I appreciate their problem, that their neighboring city permits it, and usually this is put on a non-profit basis. The Little League, charitable organizations and so on, have stands and the ordinances are enacted in this manner. But sometimes it is almost like the explosives law, people will bring these over into an area which doesn't permit by local ordinance, even the safe and sane.

McMILLAN: Tell me how it is, in Los Angeles County now -- I live near Culver City and Culver City happens to be part of my district, where you cannot purchase fireworks in the City of Los Angeles, you can go down to Culver City or some of the other small cities in the county, and you can get almost anything. It is usually run by the American Legion.

VANCE: Well, I say this is true, except to buy, being able to buy anything. You could buy the little fountains.

McMILLAN: You can buy those rockets.

VANCE: No, if they are selling rockets, then they are doing a completely illegal act. There is nothing in the safe and sane category that permits anything to shoot in the air. In other words, the old sky rockets, as we knew them, or the cannon crackers.

LEVERING: What about these roman candles, bombs that go up and explode?

VANCE: No. In public displays they are permitted. Now, these people take an examination. These are pyrotechnicians, and we give them a test to be surethey are not going to blow themselves apart, or someone

else. This is the public display you see in the colosseum and around. And we have had a minimum of accidents there. We even prescribe how to put the mortars in the ground, the amount of powder they are allowed to use, and classify the number of bursts, and so on. To me it has been a pretty wholesome law. Our fear is this. We have a real rough job on the state level and I think locally people would agree to this in most cases, of trying to keep illegal fireworks out. Particularly we have a loophole, and I say this with all respect because it is for religious purpose -- the Chinese people are allowed to purchase firecrackers. The only firecrackers permitted in the state, except on a public display license. This involves rather large insurance policies or bonds, when you do a public display, a piece of work. But we wonder if we cut it all out -- in other words prohibited fireworks completely, we could actually control the smuggling of cherry bombs and firecrackers and all this legal material over which we have absolutely control, as far as how it is made and who brings it in. We are particularly vulnerable here. We are close to Mexico. We have the ships from the Orient coming in here regularly. We have confiscated an entire shipload of firecrackers. We have a lot of cooperation from the customs people, from the Board of Control people, and so on, and keep it at the minimum. But I dare say this, that in no area during the Fourth of July, to our knowledge, can anybody say they didn't here at least a few firecrackers going off. These were smuggled in. There is no way to purchase firecrackers in the state of California, legally.

McMILLAN: You don't consider it a serious problem in California?

VANCE: No, I don't.

KENNICK: Would the problem be less difficult, Mr. Vance, if safe and sane fireworks were used throughout the state? The accidents minimize themselves? I think I agree with you in my area, which is close to the Mexican border, for example, and again I say this very

reverently, there are a lot of firecrackers and cherry bombs that come across the border to satisfy a need, real or unreal, doesn't make any difference. People have them whether they need them or not. They get them. Would safe and sane fireworks in your opinion satisfy that need and thereby lessen the difficulty that we have?

VANCE: It is entirely possible. If people who are going to fire something would have a source within their own area. I am a very strong believer in home rule. If the city doesn't want it, it is up to the people within the city. I believe that, too. As an illustration, however, to support the state-wide distribution of the sales, the State of Washington, which has been, I understand, on a safe and sane local option type of thing, did open up the entire state. Whether this is the solution to the problem we will soon know, up there. This is going to be a good sounding board. I wouldn't advocate that. I think that the home rule aspects of it, although they do pose great difficulties in enforcement problems, it is possibly the way it should remain until we have some experience. We'll let Washington do the experimenting.

KENNICK: Is there any actual enforcement in attempting to restrain people in the use of fireworks on the Fourth of July, really?

VANCE: No, this is one of the weak things in this. This escapade, episode that happened in Santa Ana, where a youngster did get a hand blown off by a high explosive piece of public display material possibly, or whether it was a grenade -- we don't know -- that they have on the Marine bases for their practice. They admitted very candidly during our inquiry and the public hearing we had on this thing, that there were cherry bombs, there were firecrackers, and so on, being fired in the bleachers where the public display was to take place. I asked how many arrests were effected, and they said there were none -- there were no apprehensions. So even that is weak. The law is very clear in this respect. I think the penalties are sufficient to stop it, if they were

prosecuted properly, but there isn't effective enforcement -- no, we can't say that.

KENNICK: How many counties in the state or perhaps we should say cities allow safe and sane fireworks?

VANCE: Very nearly 50%, I would say. The largest cities, Los Angeles and San Francisco both prohibit them.

KENNICK: There is no meeting of the minds as far as fire officials are concerned on the safety of safe and sane fireworks.

VANCE: No, they don't relegate it to a degree of safety, no. That is why the law was put in that way, was to remove the things that were according to the old records, doing the damage. Eye damage, finger damage, and so on. That is, the explosives. Certainly you could start a fire with safe and sane. You can start a fire with a match.

KENNICK: It's rather foolish if people in my community go over a few miles to another community and buy all the safe and sane fireworks and bring them back home and fire them, and no one says a thing about it, and yet my community says these things are dangerous. That's ridiculous.

VANCE: I would offer the fire record and the accident record. It has been excellent in the last five years that we know of.

McMILLAN: Mr. Kennick, in the course of the hearing we are going to hear from several of the local fire chiefs, and it will be interesting to get their opinion on this point, too.

VANCE: It will be interesting, yes.

McMILLAN: Have you anything further?

VANCE: No. I appreciate taking so much of your time, and these are areas which have caused us concern. I respectfully submit them to you for whatever you might do to help us, and we think possibly we might do a little better job in some of the areas.

McMILLAN: Mr. Vance, I have something here I would like to get

your reaction or your opinion on. I am going to read to you something. It says "At least 85 to 90% of the activities of this division, the Division of Housing in the Department of Industrial Relations -- at least 85 to 90% of the activities of this division are actually in the field of fire prevention engineering and fire inspection work. The Fire Marshal is now responsible for basic design and construction as related to fire and life safety in all places of public assembly, all institutional occupancy, such as jails, assylums, homes for aged, hospitals and so forth, and all schools, both public and private. The Division of Housing enforces an almost identical program in hotels, apartment houses, dwellings and trailer parks. This results in two state agencies doing almost identical work throughout California, only in different occupancies. Incorporation of this division into the Fire Marshal's office could result in savings by coordinating the work of writing building regulations, sharing the same office space, reduction in the number of higher salaried supervisors in the division, and reduction of travel time for field employees." What is your opinion on this? Is there overlapping here?

VANCE: Well, to start off with the one statement that 75 - 80% -- no one would know specifically, maybe all the way to 90%, of the Uniform Building Code, for example, which is used by 93% of the cities in California, is made up of fire and life safety provisions. The rest is relegated completely to structural, whether the building is going to stand up under loads and stresses and so on. I think it is essentially true. I think to say that there would be money saved by incorporating the two agencies into one would take exploration and study. Salaries, the actual number of field people the division of Housing has, I don't know this. I don't know how many they have. But as to whether they do duplicate, I would say 75 - 80 % of their work, particularly they are able eventually to get in retroactively into these older buildings, or

existing buildings, as you would, then there will be a substantial amount of duplication. Or at least, paraleling. In other words, they would be doing very similar work in this occupancy as we are doing in three other occupancies. The other thing, and this could be done even under the existing housing law, would be maybe to delegate more authority as we have, for existing fire and life safety matters, to the local fire official. Under the housing act now this is pretty much delegated to the building official. They do work together. They work very closely -- they are cooperative in nearly every city in this state. This would be one advantage. They have people going into buildings then, locally, your local fire official who knew fires, knew what happens in a building, how hard it is to get out, smoke conditions and so on, in lieu of a building official who, although a very astute engineer, sees it only from the drawing boards side, from the written provision in the building code. This would be an advantage too, in that respect.

McMILLAN: Mr. Vance, in your opinion, now there are many instances throughout this state where there is not adequate fire prevention in especially, I am thinking of the rooming houses, and some of these old hotels.

VANCE: I would very definitely say that. I point this out as one of the greatest areas of concern. But the reason there is in the basic law itself. It has never permitted, for example, the division of Housing, the local fire official, or even the local building official to go in there and enforce minimum standards. I'd bring them up to new requirements, minimum standards on a retroactive basis.

McMILLAN: You do not have that power today?

VANCE: And neither does the Division of Housing, to my knowledge.

McMILLAN: It is entirely up to the local agency, is that it?

VANCE: It is up to your governing body, whether they want to enact an ordinance retroactively. Some areas, I think San Francisco, finally

have crossed the threshhold and are starting to take a look at this.

McMILLAN: But in the absence of any restrictive or regulatory ordinances at the local level, the state might have the power to go in.

VANCE: As I read the new housing law, and I shouldn't be the one to pass on it, maybe Mr. Lowell Nelson who heads that program and is here as a representative, I too, would like to know whether in the absence of anything specific or by the wording of their statute, only so you pass it to the fire officials, are they able now to write regulations retroactively? I, too, would like to know. I don't know for sure. Most cities have never been able to pass ordinances in this field. Now, we have operated in these three other areas of construction, assembly areas, schools and institutions, retroactively for many years. That is why it is an effective program. That is why, I think, we have enjoyed this terrif fire record that we enjoy.

McMILLAN: I wonder if Harry Cobden is here from the Uniform Building Standards? Here he is. Harry, could you throw any light on that question?

HARRY COBDEN: I would rather not, at this time.

McMILLAN: What is the matter? Is it hot?

HARRY COBDEN: Could be. Mr. Chairman, I am Harry Cobden, the Executive Officer of the State Building Standards Commission. That is a question that I'd rather the Attorney General answer. You're speaking of AB 787 on the new housing regulations. I feel that I am not competent to answer that question.

MAXWELL MILLER: What about Mr. Levy? He is the head of the County and City of San Francisco.

McMILLAN: Is Mr. Levy here? Would he like to make a comment?

ROBERT LEVY: Robert Levy, Superintendent of Building Inspection of the City and County of San Francisco. It is my impression, and I am not sure, it is my impression that new Assembly Bill 787 does not permit

specifically any retroactivity. I would rather hear from Mr. Nelson on it. I do know, in line with what Chief Vance says, that San Francisco has very definitely quite a bit of retroactivity, and I plan to testify on that later.

McMILLAN: Mr. Nelson, I think is here, isn't he? Or he'll be here this afternoon, and we will hear his statement on it. Mr. Vance, is there anything further, or are there any further questions of Mr. Vance? There is one other question that has been suggested, about the overlap in the drycleaning and in the housing. Would you like to pinpoint a couple of suggestions on those two subjects?

VANCE: The one I tried to explore briefly -- you mean the means of our support, that there is overlap? I wouldn't necessarily call it overlap. The investigating division of the Professional and Vocation Standards Department do put inspectors or investigators -- formerly these people were under the Board of Dry Cleaners and prior to that our people performed this work -- to check licenses, to make sure certain elements of the law, that the operator is the same man whose signature is on the license, the man in the plant. Then, coin operated drycleaning plants do have a licensed operator there at all times. All I was pointing out, because it does appear to be a manpower situation, the fact that we haven'e had sufficient revenues. The Board has not been able to give us enough out of the licensing money coming in from these drycleaners to support both their program of the Board of Drycleaners and ours, and now in turn this investigating agency group, but possibly we could look toward combining some of the functions of this investigating group. In other words, our people would do the leg work for them. They are in the plant anyway, they know the operator. They could look up the license, take the license number, find there is a violation, then report it back to the Board of Drycleaners, and certainly to the investigating agency, for any prosecution if they thought it was necessary, and so on. As a

matter of fact we used to do all this. It just seems, from where we sit, that possibly it could be, at least up to a point, some duplication of effort here. Our people are in there anyway for a specific purpose. Purcloro (?) Ethelyne, for example, a very toxic, not as toxic, I should qualify it, as Carbon Tetracloride previously used, but at $2 a gallon there is a tendency to want to dilute this with a flammable type. Now, Perko-ethelyne (?) will not burn, in fact it will extinguish a fire, although it is toxic. At 35¢ a gallon there is always a temptation to add a little Stoddard Salt (?), what we call 140 flash, till finally you have very little left of the non-flammable solvent, and you are operating pretty much with a flammable solvent, in a machine which was never intended for use with a flammable solvent. This isn't uncommon for our people to find this, where they have diluted and diluted to the point, just because the $2 a gallon versus the 35¢ -- I don't know exactly what the going rate is.

McMILLAN: Mr. Vance, would you care to comment on the situation down in San Quentin? There seems to have been a long-running controversy down there as to just who is responsible, and what the situation is in that institution.

VANCE: There is little doubt, to start with, that we have specific responsibilities delegated to us by the Legislature to carry out. In San Quentin, particularly, we have lived with a building that we don't believe is fire safe, and I think the institution people themselves very heartily agree that it is not fire safe.

McMILLAN: Which one are you referring to -- the old industries building, isn't it?

VANCE: It is the industries building now, and it was once the institution. Here they perform their executions and so on. It still stands, built substantially before the turn of the century, wood floors, oil soaked, and it is full of people. The growing population has caused

them to move certain of their industrial activities into the first floor of this, wood shop, and some of the other shop activities, both the teaching and what the institution performs for maintenance of the institution. The upper floors are used for gymnasium, little theater groups, and are full of people. Very specifically and definitely there would be no way to stretch any set of regulations even retroactively where there are concessions made into saying that this building enjoys any fire safety. The latest word is on this, we have gone along with this building year after year. First they will evacuate, and then as the prison population grows they are back in on the second floor, and then the third, and then on the top. We have a committment now under the new building program that they will very definitely and specifically move out of this building. They are going to do it in steps by removing the stories until they wind up with a one-story edifice with their shops and then in future and longtime programming find buildings for these, whether they are quonset type which we have recommended or at least some economic --

McMILLAN: Do you have the power today and the authority to close up a place like that -- haven't you?

VANCE: I dare say we have the power in the law. It is one of these awkward areas of administration. Whether you would pick on the Warden, the head of the Department of Corrections -- we put them on notice, certainly. We say you are using a building which is not fire safe. This historically goes back a good many years, to when we went into all state institutions, the Fire Marshal's office, and had probably one of the most deplorable situations in the State of California that anybody could imagine, and probably on a comparative basis with the rest of the United States. By and large, at this point we think we have probably one of the safest areas, particularly in our penal institutions.

Because this long time programming, not a big impact thing, carried on with millions and millions of dollars to be expended. There are some of these vestigial gimmicks still around. I say gimmicks because they are old buildings being used way out of date. They have deteriorated, they are obsolescent in all ways, and they are a danger to people, particularly who are under any degree of restraint in these buildings.

McMILLAN: Well, they certainly are in a place like San Quentin.

VANCE: We have in this case put the Department of Corrections on record and they have in turn carried this to the Legislature and in their planning now in their overall masterplans, instead of relegating this down to an inferior area of priority they have put it up to the top, now. We have this assurance. And this one particular building I think will be elimnated within the next year and a half or two years, very definitely. It's almost like in the public school field, and you do run into this. They say "We think we have a good school. I went to this school and my grandfather went to it. Sure it's wood, maybe about to fall down and some other things wrong." With whom do you make recourse? The same thing applies to another state department. They are specifically on record and I think because of the strength of a tour through there not long ago, it was representative of this committee, I believe, that particular building is about to be demolished. And it is way overdue, of course.

McMILLAN: Mr. Vance, would you care to sum up then, your testimony as far as your department is concerned in these respects -- do you have staff sufficient to do an adequate job in this state? Of fire prevention? Have you a budget sufficient to enable you to do a decnet job? And third, do you have the authority and the legal power to function properly in this state?

VANCE: These areas I brought out are of course pointed specifically at your first two questions and they are of course interrelated. We have

asked for two more men to do exactly what we are discussing now, and that is to get into state institutions. We would hope that with two people we could make complete reviews of working drawings, first, and go to the institution on occasion to make progress checks to see that if the state has specified a certain thickness of plaster that they are getting their money's worth, for one thing. This isn't uncommon, to find the opposite exactly true. The training, that would be an additional man, that is, a third man. So as I say, these are interrelated, it would be adding three people to the State Fire Marshal's Office.

McMILLAN: Now, if you had those three people, conditions and buildings like the one at San Quentin would probably still exist, wouldn't they? It is more or less of a fire trap, isn't it? I've been there, and it is a potential danger to the inmates, and even if you had extra inspectors on, or help, it wouldn't solve that problem, would it?

VANCE: It wouldn't solve that problem. But it would solve future problems, is what I was getting at. I think the law is reasonably clear, unless there were someway to spell out when we are working with another public agency what recourse should be taken. Certainly the law now as it is written is in the field of criminal prosecution -- this is not the solution. This needs a whole going over. And public schools, the same thing applies. You don't go out and arrest a principal, the superintendent of schools or the clerk of the board, you try to sell, and it has been a successful program. Now, when you run into state institutions, you can't sell as readily. It means that the legislature has to support our request that this building be eliminated, or be vacated, and we don't have that power, nor would we ever expect it or want it.

CAMERON: One more question on this instructional personnel that you are asking for, Mr. Vance. You mentioned a potential $25 course fee,

that you had a potential class of some 900, in addition to fire department personnel, that would be interested the first year. Is that right?

VANCE: I think that is a very conservative estimate, Mr. Cameron.

CAMERON: Was it your intention in this particular program that it in effect be a self-liquidating thing, that it would actually cost the state nothing?

VANCE: Oh, yes, very definitely. I would never approach it any other way. Not that legislation is needed here, but at least some recommendation that the budget people maybe give us another look. Let us try this for a year. If it weren't self-supporting, then of course they could drop the program.

KENNICK: Mr. Vance, to go back to the Chairman's question regarding the building at San Quentin with which I am not familiar, and I am eternally grateful I am not familiar with any of the buildings at San Quentin, do you have the authority to evacuate this building? As a fire hazard?

VANCE: I would say, no. We have no condemnation prerogative.

KENNICK: Do you have the responsibility?

VANCE: We have the responsibility for the building and with the actual implementing, carrying out of the legislation only by criminal means, in other words to actually prosecute somebody.

KENNICK: The law does not say that the Fire Marshall can determine whether or whether not this institutional building is a safe building for inmates of an institution.

VANCE: We can make the declaration, which we have made repeatedly through the years.

McMILLAN: Are you on record?

VANCE: Oh, by all means, going back as far as --

KENNICK: But you cannot close it down. You cannot tell anyone, lock the door, you're all done.

VANCE: I would say pretty much it amounts to that, unless --

KENNICK: It amounts to that you can or can't?

VANCE: I don't for the life of me know who you would get to sign the complaint. That would bring it out into the open, certainly, so that the people would know about it. No, whether it's an injunctive, or should be condemnation type inclusions into the statute, I would hesitate to say. With your outside institutional occupancies, they can't enjoy this lattitude. The minute they get out of line, the building becomes unsafe from a fire point of view, is even reported by the local fire official, we take away their license. It is that simple.

KENNICK: What does the law say you can do -- suggest to these people that they make the building safe?

VANCE: No, it delegates authority to us to say that the building is either safe or unsafe.

KENNICK: But it gives you no power to close the deal. These inmates can stay there for another 50 years.

VANCE: That is entirely possible.

CAMERON: You can close a school, can't you?

VANCE: No. We're faced with the same dilemma.

McMILLAN: The same applies to the schools.

KENNICK: You can't close any building.

VANCE: Mainly because the actual instigating of proceedings is on a criminal basis. Anyone who violates any of the regulations or the basic statutes is guilty of a misdemeanor. We have to proceed on that basis. So, in the public school field we have other ways of accomplishing this. Sometimes the Department of Education will help. They will always if we ask. Sometimes they feel they can help, but it means bringing pressures to bear locally.

KENNICK: Would you feel any responsibility if this building at San Quentin burned and a number of hundreds of inmates burned with it?

VANCE: I certainly do, and that's one of the reasons I am glad

it was brought out here. And there are other buildings in other institutions. None quite maybe as glaring an example of antiquity as that building, but we have other ones. We have overcrowding. We are going to have perpetual overcrowding.

KENNICK: Do you think you should have the power to close that building?

VANCE: Certainly. In other words, by my --

KENNICK: If you did have, would you close it?

VANCE: We would have closed it many years ago if we had had the prerogative of doing this. In other words, to go over and put a notice or whatever it would take -- this is the customary way on a condemnation. This building cannot be occupied. Now, we are stuck with this. It is a matter of passing the buck. We say, "This building is unsafe." We put the Department of Corrections on the spot. So he has to report, and ultimately it all gets lost in the maze of trying to get enough money to replace it. What are we going to do with the 3,000 people using the building?

KENNICK: Everyone agrees that it is unsafe.

VANCE: Everyone, including the Department of Corrections.

KENNICK: But no one does anything about it.

ELLIOTT: Along the same line, do you have the power to petition the court to restrain the Department of Corrections from operating the building?

VANCE: We could do that, I think, Mr. Elliott.

ELLIOTT: That would be the same thing as condemning the building, for all practical purposes, wouldn't it?

VANCE: A clean-cut bill of particulars, including condemnation, and spelling it out even, if you had to do it even in regulations, would be a wholesome thing. This would help everyone, even the legislator who is going to have to vote on the money, in my opinion. It makes it more

tenable. Now, so much is lost between our report of the unsafe condition until it finally gets to a review by people who are concerned with budgeting, that it is lost in obscurity and it carries on year after year on this basis.

McMILLAN: Mr. Vance, I have another question. What jurisdiction do you have over private and parochial schools?

VANCE: As a matter of fact, the Fire Marshal's office has the only preogative over public schools. By that I mean, we can delegate this authority, and it is delegated to the local fire official, to no one else. This came out of the Hall Decision, down in Taft, which went to the Supreme Court and said that these are areas of state wide concern and of interest only to the state, as such, insofar as regulatory matters. But because of this other section of the statute which delegates this authority to the local people, they are able to go in. By local people, I mean the fire services. Parochial schools, in the basic design and construction, they must meet state minimum requirements. But here, of course, they do work with, on the local level, their building officials, and they are required to have building permits and everything that goes with a private building. But the state minimum requirements apply equally to either public or private schools.

McMILLAN: Then if there is a parochial school or private school that you thought and that in the opinon of the Fire Marshal was unsafe, for occupancy, you have no authority to close it.

VANCE: Not specific authority. In this field we have had a great deal more success by sitting down with the school boards and sometimes with the Boards of Supervisors, the City Councils, and by selling, we have movies made -- the Los Angeles City Department made a very effective, a very emotional movie, helped them get bond issues. I mean we try to work the whole thing out. I've never felt strongly that in this field should we be able to go in and arrest the superintendent of

schools or something or even maybe an injunctive type thing, or condemnation. Through the years, and I have been in this business nearly 25, we have watched the schools clean themselves up. In the parochial school field this has been a very satisfactory situation. The Archdiocese, both north and south, have been extremely cooperative in this field. The state institutions or state buildings, state facilities -- this is another problem.

McMILLAN: Any further questions from the committee? If not, we will recess for lunch until the hour of 2 p.m.

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CHAIRMAN McMILLAN: We spent the entire morning with State Fire Marshal, Mr. Vance, and I wish that he would come forward again in case any of the members have any further questions to ask of him. I think he pretty well completed his statement this morning. Is he here? Well, then, we have several Fire Chiefs from different parts of the state, who came up here today at our invitation, and we would like to invite them all to come up and sit around this table so we can discuss this thing together. We have Captain Peter Foley, San Francisco Fire Department, Chief William Murray, City of San Francisco, Chief Chester Moller, City of Berkely, Chief Matt Jiminez, City of Hayward, Chief Ray Shukraft, City of San Diego, Chief Charles Carrel, Santa Monica Fire Department, Chief Thomas Deise, Sacramento Fire Department, and Chief James Sweeney, Oakland Fire Department. Are there any other Chiefs in the room?

CHIEF HAYS: Mr. Chairman, I am representing Chief Murray of the San Francisco Fire Department. My name is Chief Hays.

McMILLAN: Any other Chiefs here? We would like to have you come forward and enter into this discussion. What is your name?

CHIEF HENSEL: Chief Edwin A. Hensel, Fire Marshal, City of Oakland.

McMILLAN: Yes. Well, just a moment. We have heard from the State Fire Marshal this morning and you have heard his testimony, so it would be of interest to this committee to get your reaction to his statements and answers to the questions of the members of this committee. So unless you have a statement prepared, will you feel free to answer questions from members of the committee as we go along?

HENSEL: Right. I represent Chief Sweeney from Oakland. I am Edwin A. Hensel, Fire Marshal, City of Oakland.

McMILLAN: You are representing Chief James Sweeney.

HENSEL: Yes, sir.

McMILLAN: Do you want to proceed? Do you have a statement you want to read to the committee? Or a statement you want to make? You are at the bottom of the list but we will work up from the bottom.

HENSEL: The City of Oakland receives a request that the State Fire Marshal has made, and if it is fair, the City of Oakland will back his request. The City of Oakland will work along with his request and feel that they are very fair.

KENNICK: It is not quite clear to me, Mr. Chairman, just what the function of the State Fire Marshal is, and perhaps one or two of these gentlemen might answer a question or two relative to this. The Fire Marshal this morning spoke, for example, of submitting a plan of a home for the elderly to be built in Oakland, for example. The plan would be submitted to the State Fire Marshal and if the plan met the minimum fire requirements of the state, then it was approved and sent back to the City of Oakland. Now, would you tell me, Chief, what is the minimum state fire requirement, and how does it compare with the fire requirements in the City of Oakland? Or any other city, for that matter?

HENSEL: The state requirements are minimum as Mr. Vance has spoken. We in our city would maybe not feel that the minimum that he

has asked for would protect the people.

McMILLAN: Pardon me just a moment. Will you come forward, Mr. Vance? And join the defendants? The chiefs around the table.

HENSEL: Therefore we would ask for maybe greater protection than the state has asked for. In other words, let's say that we have a building that is a Type 5 building, of wood construction, maybe 2 or 3 stories high which we would feel is not safe, hasn't got the proper exits and so on, being as it was an existing building. We go in, according to our rules or our ordinances and we do ask for the improvements. In other words, maybe we would ask for the building to be sprinkled, or we would ask for the corridors to be extended to a wider width, or ask for more than the exits that are in the building that we are speaking of. So therefore we would ask on a greater part of that.

KENNICK: Well, then, the minimum requirements set up by the state that the Fire Marshal speaks of would in no way qualify in your community.

HENSEL: Yes, it would, in some buildings. That's right. Some buildings it would, some it wouldn't.

KENNICK: Do the minimum qualifications set up by the state Fire Marshal take care of your needs by and large? Or do you improve on it a great deal?

HENSEL: Again, depending on the type of building. We do improve on some of them and some of them the minimum comes up to our expectation of the ordinances, especially in, we'll say, new buildings. Again when it comes to the existing buildings, we do get a letter from Chief Vance asking us to go through the building to see if it will pass as safety. Sometimes the buildings don't, and we ask for more than what the state does.

KENNICK: Are city requirements by and large much more rigid than the state requirements?

HENSEL: I would say yes.

KENNICK: In almost all communities that would be true?

McMILLAN: If any of you gentlemen want to elaborate on any of these questions, ask to be heard and state your name and we will be glad to hear from you.

SHUKRAFT: I'm Chief Shukraft from San Diego. Maybe I can enlighten a little more on that question. The basic standards were set up for the State of California in many areas where you do not have a fire department or fire prevention bureau, or a full time paid fire department. These standards are set to cover the general state in different areas, but each city has various problems and various types of occupancy which they would like to beef up, or tighten them up. So these minimum standards are set up to cover the state as a whole, and then each individual city has the right to enact their own ordinances, laws, to tighten it up as they see fit. But the basic minimums are covered for the whole state.

KENNICK: Is this too much of a question -- what would the basic minimums be, for example, in a rest home? Are there just 3 or 4 basic minimum fire prevention --

SHUKRAFT: When I spoke about the minimum standards, the minimum standards are set in most all the laws, but the majority of the rest homes and that are usually pretty tight. There may be some areas involving the basic minimums would be set on an area foot, how many people would be in there, certain corridors, etc. But you may have other conditions around there that maybe a city feels that these minimum standards do not come up to what we want in our area. Let's say my own area in San Diego. We feel that just having the proper exits in there -- we would like, maybe, under the conditions of these type of people -- we might even want sprinklers in this building.

KENNICK: Well, when you send the plans from San Diego to the State Fire Marshal you are wasting your time and his, aren't you?

SHUKRAFT: Oh, no. In the case of the building of the rest homes and that, the minimum standards just about fit in most of the area. You set it up and make sure that they clear through them. The majority of the fire departments go along, except where the ordinances have been hanged to beef up certain sections.

KENNICK: The minimum requirement is just a basic requirement that all communities meet most easily, and go well beyond that point.

SHUKRAFT: That is the minimum standard set up by the fire service and Fire Marshal's office, that these places can get by with these minimum standards. But various other places -- as I say, this is to cover your county, your districts, other places where there is no fire authority. So in your larger cities, they feel, that with the exposure of the property around, the homes next to it, for some reason or other maybe they should be more strict than in other areas.

KENNICK: May I direct a question to Mr. Vance, Mr. Chairman? In state institutions, Mr. Vance, the minimum requirement is what is used?

VANCE: This in my estimation is purely a matter of semantics. In the interest of uniformity we adopt what is known in the western part of the United States as the uniform building code as a basic design and construction standard. This code is used throughout the western part of the United States, I think there are about 20 states.

McMILLAN: Which you have never had in California until this year, till very recently.

VANCE: Oh, yes, we have adopted this for many many years -- various editions of it, Mr. McMillan.

McMILLAN: We have never had a building standard, though.

VANCE: Not a building standards commission. This is a private publishing concern, made up of the leading building officials in the entire coast, in many states now, even going inland. 95% of the cities in California adopt by ordinance the uniform building code, with the

exception of some of the largest -- San Francisco, Long Beach, and Los Angeles City do not. They follow the format and generally it is identical. So when we say state minimum requirements, we're talking about what is used in a good many states in the United States. They are a minimum and because there is this home rule type thing, many areas do feel that they need to heavy up -- they are never lighter, because they are not allowed to go less restrictive. And not many, except some very specialized conditions, as Chief Shukraft points out, change much in there. This is in the interest of uniformity and it has been a good situation.

KENNICK: The only point that I wanted to make, Mr. Vance, and it is for my own information, it's not clear in my mind, a licensed home in San Diego submits its plan to you and you set up a minimum requirement, but by the Chief's statement he improves on that minimum requirement many fold.

SHUKRAFT: Mine was more in general -- the general minimum standards of the Fire Marshal's office. This would be on the overall, not in just the one area.

KENNICK: That's right, but you believe that the fire ordinances in the City of San Diego go well beyond the minimum requirements of the State Fire Marshal.

SHUKRAFT: In certain areas, yes.

KENNICK: The point I wanted to make, San Diego has its Chief of the Fire Department, so he sees these regulations are up. But how about the State institutions, who ups that from your minimum?

VANCE: That is simply like asking me my opinion, are our regulations adequate? I say very definitely and specifically they are adequate. These are good regulations. They are strong enough. I suppose there are specialized situations in many areas that could require you to be more restrictive. I can't think of many, off hand.

And I can't think of many differences in the local code and in conjunction with the state minimum requirements. I do know this, and I would be remiss in not pointing it out. The nursing home association, and this is in the institutional field -- private -- in conjunction with the mental home people, their association, got together and put extreme pressure on certain members of the legislature to introduce a bill to do away with this situation. It was a very simple bill. It said, in part, they shall not pass any regulations, any local ordinances in the institutional field that shall be inconsistent with the state minimum requirements. And they had a very definite reason. Many of these designers work from one city to another. From where we sit, we see very little reason except maybe they have local reasons. In any case, I don't know. I have difficulty isolating them. Why, in Burbank, you are allowed 5,000 square feet of floor area and all the rest of the state -- you move across the boulevard into Los Angeles you are allowed 2500, they cut it in two. We don't know why. Nor could I justify this with fire experience. I would also be remiss in not saying some areas do have local conditions that warrant heavying up, making it more restrictive, hilly areas, old areas, or where you have a lot of wood frame multiple story, which is characteristic of some of your large cities. They have very definitely a reason. But by and large, I know of very few cities that have passed ordinances that are any different from the uniform building code, which we adopt in the interest of uniformity. Do you have any examples, Chief, may I ask? I can't think of any off hand. Where you differ in your institutional facilities?

SHUKRAFT: No -- like I said, only in the case -- we have considerable canyon and hill areas. We want more protection in these certain areas. Conditions vary between San Diego and San Francisco and some of your Los Angeles areas, so we do on these areas, where it does pose an extra hazard.

KENNICK: But the minimum requirement set forth by the Fire Marshal Chief do not suffice to take care of the fire needs of San Diego.

SHUKRAFT: Not in all areas. What I mean, we do have ordinances. Our ordinances beef up on certain sections, not all of them. The majority of them we accept the Fire Marshal's standards as the standards. Only when we find extenuating circumstances that prove a hazard, do we beef it up or make it more strict.

McMILLAN: Are these standards for these public buildings, institutions, higher than for private? Probably Mr. Vance could answer that. Are your requirements for public institutions?

VANCE: They are identical. We have done that for a very definite purpose. That's why we adopt this uniform building code, so that when the state builds a state institution over which the local people have very little prerogative, except that they are going to have to protect it, it will, and they do in San Diego, for example, also adopt the uniform building code. That's a city ordinance. So we're pretty much -- right down the line, there is very little --

McMILLAN: Could the local agencies beef up the requirements on a state building?

VANCE: On occasion they have an area that they feel strongly about, as Chief Shukraft points out. They have canyons, they have brush, right in within the city limits, something that maybe the building code didn't visualize. But by and large, I think it is a pretty uniform set of regulations, and pretty much the same from city to city and county to county, right along with the state regulations.

KENNICK: On buildings that are rented by the state, Mr. Vance, what is the fire situation there under your jurisdiction?

VANCE: By and large these would be office buildings, or some collaterial duties that they are going to put in there -- highway or something else -- we have absolutely no responsibility. Now, there was

again legislation --

KENNICK: You haven't any authority?

VANCE: No authority. The Attorney-General by ruling in 1951 did indicate that the Department of Finance should talk to the Fire Marshal's office in matters pertaining to fire and life safety. Again, in 1961, there was a piece of legislation introduced to say that these buildings should also be designed in accordance with the Fire Marshal's regulations as they pertain to fire and life safety, and strangely enough, although we work very cooperatively in all the divisions, the staff of the Division of Architecture, the staff od attorneys over there, saw fit to want to put an amendment into this bill, and I might as well tell you the whole history of it, to take the local people completely out of the picture, so the author was very gracious and asked, what did we think, and I said, they have to protect the building, they have to live with it in their city, and the bill is no good if you take the local people's prerogatives, at least to walk through it and make an inspection once in awhile, so --

KENNICK: Can the state rent a building that doesn't reach your minimum requirements?

VANCE: They do, although we don't inspect what we call a Group F, Division 2 occupancy. This is a commercial type office building. It wouldn't always, when they rent these buildings, conform even to the uniform building code that the people within the city have adopted. And if the private owner across the street had has to conform right up to the last letter --

KENNICK: Would the Department of Finance ask you to make an inspection of a building that they are contemplating renting?

VANCE: On occasion they do. Not always. And we try to give them this service whenever they do ask. Purely a cooperative arrangement.

LEVERING: I was only going to ask one question. I thought

Mr. Kennick was going to ask it, but he apparently didn't. In the citation that we just had about San Diego, and how they beef this up in certain instances, tell us why it is necessary for you to check the plans if you know that San Diego is going to beef it up anyhow. Isn't it just a waste of time, or duplication, to have it go through your office?

VANCE: I would say not on this basis, Mr. Levering. The fact that you have one central agency, and mind you, this is only 5 or 6 people, to know that everything that goes in this area of statewide concern, your institutions, your schools, have all met certain minimum requirements. Now, San Diego is an exceptional city and we have many with fine, big working fire prevention bureaus and top grade building officials. But this isn't necessarily the case from one end of the state to the other. In many areas the fire chief also runs a little grocery store. There is no building official. They may have a state surveyor who is on the job only part of the time. So, by catching these plans at this stage, we have insured the people, citizens, no matter where they are in this state, in these areas of statewide concern, they are getting equal protection, regardless of local pressures, interpretations or anything else.

LEVERING: The point I was trying to bring up, and maybe I am wrong about it, it seems to me than in the case of our major cities that do have well-run and efficient fire departments and that do thoroughly check plans and they have minimum standards, too -- there are none of them that are below yours, are there?

VANCE: They couldn't be below, no.

LEVERING: All right. Then I come back to this question. Maybe if you didn't have to check and do this routine work in these areas that have efficient fire departments, then you would have your extra men that the Department of Finance probably isn't going to grant you,

if you didn't have to go through that work in these other local areas which do comprise, populationwise, a very large percentage of the people in the state. I am only bringing it up because you indicated this morning you didn't have enough help, and if this is an area in which you are doing work that is unnecessary, that might help you out if the Department of Finance won't.

VANCE: You have this, too, to consider. I say we have 5 or 6 people total on this program. In 1961-62 fiscal year they checked plans on three-quarter billion dollars worth of construction to guarantee this uniformity. Now, there are other departments involved in this. It would become a maze probably that you couldn't handle. By this I mean, the Department of Mental Hygiene, the Department of Social Welfare, Corrections, and the Department of Public Health, not to mention your Youth Authority and the Juvenile facilities around the state. By our checking the plans for them as an architectural concern, service, consulting service, we have assured them before they ever get to the local level where any kind of pressures could take place -- I don't say they do, but there is a big possibility of this -- we have some illustrations of that if you like, but we have assured that licensing agency that this plan, not the construction or the final product, but that plan does meet state minimum requirements. And by centralizing this into one, it has been to me an extremely successful thing. Not because we are in it, but we have had this great plateau of uriformity. Now, many things can happen to a building when it gets to the local level. Who's to say whether the plaster is only 3/8 of an inch thick in lieu of say, a half, yet you have reduced your fire resistance from an hour maybe down to 20 minutes. This happens, and yet when you check back -- you bet we check -- not in the field, no, but we have at least assured the people that that specification read right when it left the state level, and it called for 3/4 inch or half inch. Then it somewhat depended

upon the local authorities.

LEVERING: Wouldn't that same thing be true on the local level?

VANCE: In the plan check. Yes. They could check the plans. There of course is where your pressures take place, your trading, if you didn't have state minimum requirements. The fact that we have them, and that someone needs to enforce them, has become more and more evident through the years.

LEVERING: In other words, it takes the local people off the spot.

VANCE: Very much so. It's never unusual, even in the large cities, when they get really into a corner, to call for help. Then a state agency comes in, and it's impartial, and you can't touch the state and we proceed. This has been successful in every city in the state, and I think these gentlemen could probably tell you something about that.

CAMERON: On the same point, Mr. Vance. Do you have, within your exisiting statuatory authority, the right to delegate to a county department or city department certain of your functions of inspection?

VANCE: They have the preponderance of them, Mr. Cameron.

CAMERON: I am thinking about this particular plan check, then. As long as the state has set minimum requirements that are effective throughout the state, why is it that you cannot delegate to Chief Shukraft and his department who is also running a plan check, the possibility of his certifying to you that this building that comes under your jurisdiction has gone through the plan check and meets the state minimum requirements?

VANCE: There's no reason why this couldn't be. It would mean isolating some of these areas that do have this type of bureau, and this could be done.

CAMERON: This is right. But you are taking all the big cities -- you are probably taking 60% of your plan check business away from you.

70% of your plan check business away from you.

VANCE: It would be a good 50% probably, yes.

CAMERON: Well, what is the disadvantage to this? As long as he is going to check the plans, too.

VANCE:I don't know -- do you have a plan checking service?

SHUKRAFT: I would say a few of the departments have, but we don't have the full plan checking that the Fire Marshal's office does, or as qualified. We know that they have reached a minimum standard. Now, if the state would say, well you check it, I would say, I'm sorry, I'm busy, I haven't got time to fool with it. We have other things.

CAMERON: This is contrary to what you have developed prior to this, though. It seems to me the impression was left in my mind, by the testimony of you two gentlemen, that you were both checking the plans over again.

SHUKRAFT: No. We know from their stamp, as sent to us, people come in and say this has been okeyed by the proper authorities of the state. Then we just look it over, we don't even have to check the plans, just in various areas to make sure that this conforms to our --

CAMERON: You are in fact not duplicating in any sense.

SHUKRAFT: No, we're not duplicating, in any sense.

VANCE: I don't know of any department, Mr. Cameron, that does do the type of check that we do. I'm talking now of fire officials.

CAMERON: This was the implication that I received, but that is deared up. Thank you.

McMILLAN: Mr. Vance, let me direct your attention to this building in Sacramento where the real estate department is now located. I think that's where the old personnel board used to be, isn't it?

VANCE: Over on J or K.

McMILLAN: On L Street. What is the situation there? Could you tell this committee? I have heard a lot of rumors about that place.

What is your jurisdiction over that building?

VANCE: We have no authority. We have no jurisdiction except if Department of Finance or Buildings and Grounds say, how does this building stack up with the code, even with the Sacramento City code, then we would tell them. They haven't asked in this particular building. We would very definitely say in that building that it is a fire hazard.

McMILLAN: Does it comply with your minimum standards?

VANCE: No, it doesn't.

McMILLAN: What are you doing? What can you do about it?

VANCE: Unless the statutes included state office buildings or other collateral buildings, highway change rooms and so on, as our responsibility we can do nothing.

McMILLAN: Did you know, Mr. Levering, that there is a building in Sacramento on L Street -- it used to be the old personnel building, which is now housing the Real Estate Department, that is by rumor and Mr. Vance more or less confirmed it, it is a fire trap.

LEVERING: Well, who owns it? Don't we rent it?

VANCE: Some are leased -- some are purchased. I think that is a lease arrangement there, Mr. Levering.

McMILLAN: Is that a state building?

LEVERING: No, a private building.

VANCE: Maybe a better illustration would be the building in which we are housed.

LEVERING: Now, if this is a fire trap -- let's stay on that subject -- if this is a fire trap, and you said it is a fire trap --

VANCE: I didn't say it was a fire trap, as such, I said there were deficiencies.

McMILLAN: It doesn't comply with the minimum standards of the state.

LEVERING: All right. Let's not get too technical about it.

But if that is the case, why does the state go ahead and lease a building of that character and place the lives of the occupants in jeopardy and you have no jurisdiction -- why does the state do that? You wouldn't let somebody else live in there -- why put state employees in there?

VANCE: Nor would the building official in that city, nor would the fire official. If private enterprise tried to build a building or lease a building under that exact condition, they would make them bring it up to code, at least to a reasonable degree of safety.

LEVERING: The state, though, is exempt.

VANCE: There is no agency on the state level. They have their own architectural service -- department of finance, and they do look them over. And then on occasion if they think it is radically out of line, they want us in the picture, too. So we evaluate and send them a man over and take a look, and that's the end of our responsibility. We never know whether they do it or whether they don't.

McMILLAN: The picture I get of this situation, it just doesn't make sense to me. We have a state fire department who is charged with the responsibility of laying down minimum standards. Is that right? For state buildings, too. And if there is a violation of it, you have no power to enforce it.

VANCE: That's right. Not in a state office building.

McMILLAN: Is that the situation today?

VANCE: That's exactly it.

LEVERING: It's not good.

CAMERON: You don't have it in a state institutional building either.

VANCE: Oh, yes. Very specifically and definitely there.

CAMERON: I thought we decided you didn't with San Quentin this morning.

VANCE: No, the question there was whether we could close that

building by locking it up, by condemnation or otherwise.

CAMERON: Well, the point is if you had this same problem you've got with San Quentin, you wouldn't have any power. All you could do is tell the Department of Finance that gee, you guys shouldn't have leased this building. It's a bad deal.

VANCE: We've done that on occasion.

CAMERON: But still it is no authority to do anything.

VANCE: None. In the institutions we can. I mean, there we have actually. We can isolate a few like the building in Quentin, and say we've had a long time siege getting compliance in there. But in an office building we'd never get it, because we have no statuatory responsibility or authority. They could ask or not ask, and go ahead and do what they please with it. We had this happen, very near the same building you're talking about, only in the opposite direction. They did ask, what should we do with this building to get some fire protection. This is a storage building.

McMILLAN: Who asked that?

VANCE: The Department of Finance. We said there is only one solution, with combustible storage here, and that is an automatic sprinkler system. Well, they got a bid on the thing and decided no, it wasn't worth it. So, and this is just one of those things that happened, within a year the building was completely demolished by fire.

McMILLAN: Mr. Vance, is it customary for the Department of Finance to call upon you for your opinion as to the fire hazard problem when they are about to rent?

VANCE: No, it isn't.

McMILLAN: They do not do that.

VANCE: Very seldom, unless they run into some problem with the local fire and building officials where they want us maybe to help. They very seldom ask. Although the Attorney General says in this

opinion that I was quoting that very definitely they should at least ask our advice. How mandatory it would be is of course conjecture.

McMILLAN: As a matter of practise they do not do it.

VANCE: No. Very, very seldom. Nor have we encouraged it, if we could have encouraged it. I don't know that we could.

BRADLEY: Getting back to this building I think at 10th and L, and this is the same one -- this is used for what you might call a commercial or office type of use. Now, actually, while the building is of a certain age, assuming it is used for an office type use, the fire hazards that are involved are of a minimal nature here, are they not? I mean, you don't have an overloading of plugs and outlets for electrical purposes. You don't have combustible materials of a dangerous nature. You just have what you might expect to find in an ordinary office operation. And doesn't this enter into some accounting as to whether or not the state would ordinarily rent a building of that kind? The use?

VANCE: I think, first, the state doesn't go out and rent buildings that are completely substandard. Now, on the other hand, this particular building, and I haven't been in it for a long, long time, was a great open loft type arrangement, a department store, as it were. So they go into this building with a minimal amount of expenditure and chop it up into cubical office spaces. And here they would use plywood, and here you get back to your technical aspects of fire prevention engineering. You know pretty much how big a fire you are going to have in a building by looking at what the combustible loading is. We know that the papers on this desk, so many pounds will give so many B.T.U. heat. Now, when you start making cubicles, build these cubicles out of a combustible material and stack each cubical full of papers, whatever it happens to be, you have changed the whole complexion of the building. You might basically have a pretty good shell, but you have certainly changed the fire hazard in the building for the occupants.

BRADLEY: Now, wait a minute, Mr. Vance. You are talking about now, a use that the state puts to the building after it has rented it. We are talking about the state's consideration of this building as a building before they move into it. This is two different things. I'm talking about the standard that the state might consider in looking at this building before they've occupied it and put all these cubicles in here with the plywood partitions. This is something that the state does afterwards. But looking at that building as a building for office use, my off hand opinion on the matter is that it would probably pass generally the inspection of the building department of the City of Sacramento for office use, and therefore, although it may have certain basic features of an old building, it is not so far out of date that it represents a hazard to have state employees in there.

VANCE: The words weren't mine, that it is a fire trap, this particular building, no. What they have done to it in alternations makes it a greater risk than it was originally. Now, many buildings of that age come in this same category as these hotels we were talking about. Open stairways. Maybe inadequate exiting. Certainly there are more people in this building now in small areas that are going to have to go down prescribed routes to get out of the building that there were, say, when it was a department store. Basicly the building was probably acceptable to the city as it was. This is in defense of the Department of Finance, when they look at a building I think they see the overall picture, the shell. And many of the things that happen to a building, most building officials wouldn't permit. For example, say this building remained in private hands but was going to be converted from a large loft type arrangement into exactly what it is, cubicle arrangements in office spaces, the building official first would have required that everything that went in there be of non-combustible construction, because of the height of this building.

BRADLEY: That would be covered by the filing of plans and specifications for alterations to the building in order to get a building permit from the city building inspection department.

VANCE: They are not required on a state building.

BRADLEY: Not by the state. But I am just covering the point that you have two governmental agencies operating here and perhaps I would be correct in saying that where the state has now rented the building and occupied it, they probably have not submitted plans and specifications for the partitions that have gone in there to the city for a building permit. And I just guess that it is a habit.

VANCE: And I suspicion there would be reluctance on the part of the building department to do it because there would be no fee.

BRADLEY: Well, that's right. I happen to have been a former City Councilman, and I have a little background on what happens on some of these situations. But I think we are a little bit afield. I think the issue really, as far as you are concerned, Mr. Vance, would it not be as to whether or not you as the State Fire Marshal, whether your department would be interested in taking on the matter of approval for use and occupancy of a building that is going to be used for strictly office purposes by a state agency. Do you want that job?

VANCE: I would say this. There would be reservations -- certainly this is going to require people to check plans. After the building is completed, after it is occupied by the state, I am including state-owned office buildings. I make particular reference to the one we occupy. It is full of hazards, and these are compounded daily. Storage in the basement -- no sprinkler system. And I mean combustible storage that no self respecting fire prevention bureau even in the smallest city would ever tolerate. We can hint that you are doing a bad thing. We have architects walking in and out of the office. We have plain glass doors. So they sit down at the drawing boards. We say, you are not

allowed plain glass doors in your building. They look around at what we live with -- open staircase clear through a six story building. Well, I have expected to see that building with a good fire in the basement, and by good fire I mean with just the material that is being stored there, in the corridor, not the storage rooms, daily, by Franchise Tax, for example. The life expectancy of that building wouldn't be ten minutes, based on fire experience of buildings of similar construction. Lot of wood in it. The state put almost a million dollars in that building and all the alterations they put in were wood studs and gypsum board, which would never be permitted by the building official in that same city, in a private office building. This is because no one has jurisdiction to tell them not to do it.

BRADLEY: This goes back to what you said at the beginning of your remarks this morning, that we all live by a certain standard of hazard, and the state could occupy a building of that kind for 50 years and never have a fire in it, and yet it happened to one of the other state departments, they were in it for about a year, and got burned out.

VANCE: We have had areas of great concern. For example, water resources called one day and asked, would you please come out. They had leased a building out at 24th and N or some street in Sacramento. They have plans on the boards which of necessity they must leave over night, which, if they were destroyed by fire would probably set the water program back a year. They wanted some protection, so we said sprinkler, or heat activated fire alarm, more guards even. We certainly agreed with them. And that was the end. They didn't conform to any of this. They haven't a sprinkler. There is no heat activated fire alarm. They do have a guard, I think, stroll through the building during the night. But it's all a matter of cooperation. And when they can, and do it economically, they do follow our advice. It is purely advice.

McMILLAN: Mr. Vance, what in your opinion is necessary? Do we

need some new legislation to correct that situation? As you express it here it is not a healthy thing for the state to continue on this way. We may have been fortunate up until now, but I think that we are pursuing a rather hazardous course.

VANCE: The easy thing is always to say we need more people. I would suspicion that with these two people, if we also included the state office buildings, this would take legislation. And this has been defeated. It was defeated in the last session, the exact thing, that we could probably do with our present staff, with these two people. And I can illustrate in new construction even better than existing. Here it is hard to prove what you save the state. The new annex to the public works building called for a whole new concept in fire resistive protection to the structural members. This was an arrangement -- they wanted to use the space above the ceiling like this for a plenum area to distribute air. You save money by not having to utilize a duct system. Fine. They needed a protection on these big steel members, so they went to an asbestos spray, which is approved.

BRADLEY: You've got it in the Federal Building right across the street.

VANCE: That's right. But somebody got concerned, and I suspicion this was a competitor who bid on this job. At least we got a call -- if you want to see something interesting stick your nose into this building. It's only a half a block away, so a couple of us went over. Here they had put on approximately anywhere from an eighth to three-eighth of an inch on a corrugated flooring, sprayed it on. The ventilating people came in where they didn't want it or other people, other trades, the electricians -- they scraped it off. In the first place, it lacked almost a half an inch average thickness of providing the protection the state was paying for, that was called for in the specifications. I don't think anyone was cheating. I don't think the people who were inspecting

the building, first, the public works inspector, had bothered to read the underwriter's test assembly requirements. If he did, then he didn't read them closely, because it was obvious to the eye that they were beating the state out of -- and I say that with no reservations -- 30 - 40 - 50 thousand dollars in this six story building. Well, we directed this to the attention of the right people and the correction was effected. How many more of these the same thing happens to, I wouldn't know how to guess, because we very seldom -- this happened to be close and we walked over when we got the complaint. Unless you had a fire, and incidentally the records indicate with the number of buildings we have in the United States the possibility of a fire is about once in ten thousand years, yet we are losing people every day. A fire occurs every few minutes in the United States. Sure we take some more calculated risk and all, but in this particular building, sure we've saved the state something because they get their money's worth in the end product. But until we had a fire and you had sympathetic failure of these members you didn't save much of anything.

McMILLAN: Any further questions? Mr. Vance, before we hear from each of the fire chiefs, and I hope that each of you will express yourselves briefly at least on some of your problems and your opinion of the State Fire Marshal and what cooperation you are getting and one thing and another, but before we go into that I would like to bring up one other subject that has bothered me for a long time, and I think other members of this committee, and probably when you are making your remarks you could include this matter in your brief discussion. I don't know what it is, and it has always been a great mystery to me, I don't know whether it is a little racket that is going on, whether there are some politics in it or what is back of it, but I've never been satisfied in my own mind that this fireworks business in this state has just been on the up and up, where I can go down in Culver City and buy this fireworks

and Mr. Vance made the statement that you can't buy rockets down there. I have bought them myself in Culver City, and I can buy everything right next to a big firecracker and possibly I could buy firecrackers, I'm not too sure. I think some of them get out sometimes. I'd like to hear from the other chiefs in the different parts of the state here and what their experience is with this fireworks business. I think that possibly some legislation is necessary, because as I view it it looks like there is a little racket going on in the state, and nobody is paying much attention to it, as far as the fireworks is concerned.

VANCE: There very definitely is smuggling, we know that. And it is extensive smuggling.

McMILLAN: Well, who gets these concessions in these little towns where they set up these little concessions, and they are not so little, either, and they're pretty big, and I know that a lot of money is made out of it, in a few days.

VANCE: It is of course a very short seasonal type operation. By and large now, I think you could say almost universally in this state, that the ordinances are framed around a non-profit organizational basis. In other words, your little League, or your CatholicLeagues, and your -- right on down the line. Anything that is on a charitable organization basis, only, is permitted to sell safe and sane fireworks. Now, if there are firecrackers, if there are Roman candles and all the illegal fireworks being sold in that, certainly someone is remiss. We can't cover each stand, certainly, but I think by and large you'll find the average fire department is doing a pretty good job watch-dogging those. You mentioned Culver City. I don't know what the situation is there. We do know that almost any city you drive through around the Fourth of July, there are a lot of firecrackers. And we think, I am talking now specifically about the State Fire Marshal's office, where we see the over all picture of this smuggling, on the ships coming in from China, across the Mexican border, in the other way from the Nevada side, that

if we had no fireworks, we abolished all types, you would make smuggling a pretty profitable situation.

McMILLAN: Can't they send it in from Washington? It's legal in Washington, isn't it? Can't they ship them down from up there? Well, I'm pretty darn sure that a lot of them are doing it. And I'm just wondering whose responsibility it is to clean it up if it is a dangerous operation, it should be curtailed.

HAYES: Mr. Chairman, my name is Chief Hayes. I am Chief of the Bureau of Fire Prevention in San Francisco. I hesitate to make any comments about a great deal of the remarks that Mr. Vance has talked about, but I would like, if you don't mind, to confine my remarks to something about firecrackers and our problems here in San Francisco. Briefly, we don't have any. Why don't we have any, because --

McMILLAN: Firecrackers or problems?

HAYES: Either the firecrackers or the problems, we don't have, because we have local legislation that prohibits anything along those lines. We do permit a public display of firecrackers, with permits and licenses and so on, but as far as bootlegging and anything like that is concerned, yes, that could be, because people can go across the county line and they can buy them here and here and bring them in. But we have very strong rules right here and it is enforced by the police department and the fire department and we just don't have that particular type of problem. We don't have any complaints about anybody using firecrackers indiscriminately in San Francisco.

KENNICK: Chief, are there areas around San Francisco that sell safe and sane fireworks?

HAYES: Yes, there are, and we know that, and we have found out that people have stands up on the highways for instance, and they will sell them and occasionally with the cooperation of the police department, people are picked up immediately and they tell us where they find these

things. They can go outside the county line and buy them. They do not sell them within the city and county of San Francisco. It is a weakness, I think, that this -- perhaps this legislation should be statewide. It shouldn't be permitted except for religious purposes, we'll say, or a public display that is supervised.

KENNICK: When you speak of religious purposes, now, you are speaking of Mr. Vance's statement that permits are issued to charitable organizations for safe and sane? The fact that the organization is charitable makes the implement safer or saner?

HAYES: We would call that the public display of fireworks and we have a Chinese population here in San Francisco, to give you an example, where it is understood by them that the firecracker has some significance. And we permit discharge of fireworks by these people under controlled circumstances. We give them permits and licenses for that and we never have any trouble. That would apply also to a patriotic group or any other charitable group that would do it as we set up the rules and regulations for them.

KENNICK: Do you know if there are any arrests made in San Francisco last Fourth of July because of violation of the firecracker ordinances?

HAYES: I would say that there were arrests made. As I say, the police department are very aggressive and they watch this particular activity very closely. We could get the records from them. But I would say that it was kept to a minimum by the cooperation with the police department.

KENNICK: There is a great area of disagreement among the fire chiefs generally as to the sanity of safe and sane fireworks, that's correct, isn't it?

HAYES: I personally do not like to see them. I don't believe there are any safe and sane fireworks. That's my own opinion. I would like to see them done away with altogether.

KENNICK: And you base that on what, Chief? Is that just a personal dislike or what?

HAYES: No, sir, that is not. That is my experience over the years, the accidents and the tragedies that have occurred through the use of this particular type of material.

KENNICK: That come from what is called the safe and sane.

HAYES: That is correct, sir. I've seen them in the hands of children and unresponsible people and I don't like to see the results that have proved from it.

KENNICK: I don't know about the smuggling of safe and sane fireworks into San Francisco city and county, but I know there are plenty of them smuggled into Los Angeles County from neighboring counties who sell safe and sane fireworks. It just strikes me that on the Fourth of July people buy safe and sane fireworks and we put our standards beyond the reach of people and we're violating law after law and firing safe and sane fireworks in our back yard and it is a ridiculous situation. They are either safe and sane or they're not.

HAYES: As I said, I don't believe there is such a thing as safe and sane.

KENNICK: And I think it is rather strange as the Chairman mentioned that only certain organizations are allowed to sell these fireworks each year and I have often wondered whether that made them any safer because the proceeds were used for charitable purposes.

HAYES: In this particular case, what I would like to point out, we have ordinances that will permit a public display and these are put on by licensed people who get a license from the state. They also get a permit from us and from the police department. And these people are pyrotechnic experts, is what they call themselves, and we accept that and we feel that if they handle the actual discharge of the fireworks, it is safe, because we have displayson our Marina Green every Fourth of July.

I believe it is called I Am An American Day, and the debris falls into the water and it is kept away from the viewers and the pedestrians and motorist and so on, and we feel that that particular operation is safe, we feel that it is controlled and that there is no problem.

KENNICK: Do you think that you are in the majority opinion or the minority in your fire experience?

HAYES: I would say that speaking for the fire people, I would say that most of them feel that firecrackers are dangerous and shouldn't be permitted.

KENNICK: Firecrackers. Now you are differentiating.

HAYES: I still say that the sparkler that the little child has in her arm, I think she can put her eye out with that just as well with that as she could with a large bomb.

KENNICK: You have known children that have put their eyes out with these?

HAYES: Yes, I certainly have, and I have seen them damage themselves and I don't like them, and I have seen them throw those things up on roofs and set fire to roofs and so on.

KENNICK: I remember reading a report of Fire Marshals throughout the United States, and if my memory is correct, the majority stated that safe and sane fireworks were not dangerous.

CARRELL: I am Chief Carrell from Santa Monica, Los Angeles County, and I'd like to make this remark about the fireworks question. I've seen the time in my experience when the fireworks situation presented a problem, and we still have records of injuries. Prior to, and during World War II, almost every city passed ordinances prohibiting any type of fireworks, as a necessity for the war effort. After the war a good many of them through their legislative bodies relaxed those regulations and went back to safe and sane fireworks. Now, it is my contention that that was a mistake, because with the provision for public display, supervised, children saw the fireworks under the supervision of their

parents and at a safe distance and attained the satisfaction that they are supposed to get out of playing with fireworks. And I feel that, we didn't relax in Santa Monica, the City of Los Angeles didn't relax, neither did the County, but some of the small municipalities in the County did, to the detriment of the fire prevention and safety effort. I feel that a big mistake was made because a good many children who had in their youth probably handled a firecracker or a good many did not get an opportunity to handle a firecracker, therefore they missed nothing. But when the cities relaxed on the firecrackers, I mean including sparklers, which are safe and sane, became available, then we started another generation of kids who enjoyed handling fireworks. I am of the strong opinion that safe and sane, all types of fireworks should be abolished, except under supervision by permit.

McMILLAN: Thank you, Mr. Carrell for your opinion. I would like to hear from the other chiefs on this problem, too. Would you care to make a statement?

SHUKRAFT: I am Chief Shukraft from San Diego. We very fortunately outlawed it many years ago. Prior to that time we had quite a conceivable amount of injuries and losses through fire, and damage, especially through injuries with firecrackers and the various forms of fireworks. Very fortunately there are no cities directly around San Diego who sell safe and sane. We have nothing real close. The majority of SanDiego County is pretty well closed. in regards to the smuggling, our problem with firecrackers on the Fourth of July in answer to some of the questions, we probably have less than the Los Angeles areas. I was born and raised in Culver City, so I can tell you a little about the fireworks industry in Culver City. I worked for the industry when I was a kid. But the idea is, that the majority of our area -- we have posted at the border, coming across -- the City of San Diego which will run right to the border -- we have signs posted on the State Fire Marshal's regulations

that firecrackers are not permitted in the State of CAlifornia. But to go across to the races and various other -- Tia Juana and that stuff -- people can buy the firecrackers, cherry bombs and anything you want in most any quantity. The majority of it is brought in, a half a dozen packages in different persons' pockets. There is no way we can stop and shake every person's pocket out to find out how many firecrackers he has. The majority of these, I say, are not coming from San Diego, they are going across back to the Los Angeles area, as far as we can figure out. We do have a few firecrackers shot on the Fourth of July around that area, you will hear isolated cases, but it's less than in a lot of other areas, because there is no place to buy safe and sane around close. The majority of the people in San Diego do not go across to get them, but they do from other areas. The majority of the people going across to the border are from outside of San Diego. So this does pose somewhat of a problem. We've had a very satisfactory -- incidentally without any damages or loss through firecrackers. We still get some, with our military establishments, kids do bring practice bombs, practice grenades, and this is the same thing we have otherwise. But as far as the actual use of firecrackers, our accident incident is very low. Three years ago we asked a lot of fire chiefs for an incident to find how many were injured, actual incidents since the safe and sane. This has proved many many ways, some of the fire chiefs are not actually in a position to commit themselves because there are pressures within their own area for them to have safe and sane or otherwise, so I think in some areas it could be a leading question to some fire chiefs. It becomes a political issue. But we in San Diego have had our incident rate -- has been wonderfully well since we eliminated the fireworks. The fire department was accused. Prior to this time we had put on a fireworks show in addition to the fireworks and when this was outlawed the fire department was accused of outlawing them in San Diego and we took the

full brunt of it. But we're happy about it any way it goes, because we had not many children burned or hurt seriously. We still have -- I am in favor of public displays put on by competent -- these men who are licensed by the State Fire Marshal's office, must carry proper insurance, and be properly experienced to handle these explosives.

McMILLAN: You would favor the repeal of the safe and sane fire law that we have?

SHUKRAFT: As far as San Diego goes, I couldn't say, but as far as the incidences that I have in the past, and from talking to the various others and trying to prove, for being former state Fire Marshal, the incidents to prove where someone was injured, it would be rather difficult, the amount of injuries or fires set because it is so hard to attribute it to these. But we know that there are a lot of incidents. I would rather not commit myself fully. I will say as far as San Diego goes, we feel that being completely outlawed, we are more satisfied in San Diego as it is than anyway.

McMILLAN: This committee, I think, would be interested in getting the opinion of the other chiefs here, wouldn't they? On that point?

HENSEL: I am Chief Hensel from Oakland again. We have outlawed all fireworks of any kind. The last two years we have had very wonderful outcome of this. We have had no injuries, no fires. I'll go back a little further, back to where when we had fireworks we had fires from one end of the town to the other. We had injuries from one end of the town to the other. Again, I would like to see the fireworks done away with. I am sure Chief Sweeney would do the same thing.

McMILLAN: That is, a repeal of the so-called safe and sane law.

HENSEL: This year the only fireworks we picked up, which was around 30 cases of what they call the dago bombs and firecracks and so forth, came through the religious people I would say because they came through Chinatown, through the Chinese, and as we say and as Chief Hayes

here says, you are allowed to have them under jurisdictions which are very much carried out, and then again still they do come through the back door. Coming right down again to the small fire works, let's take the little sparklers. It seems like nothing -- you go into a restaurant and you'll see them in a cake, and you'll think, well, there is nothing to it. But you take that same little sparkler and have a kid in a car go on out into the country and drop it, then you've got thousands of acres burning, which people will say out in Walnut Creek and outerlying districts, they ask for us not to allow anything, and at one time we did. We went down as far as sparklers and to the pistol caps. Now we are asking for nothing.

McMILLAN: As long as that law is on the books, though, this so called safe and sane law, it is going to be more difficult for you to enforce the law. Now, we've got to cut this because we have a long agenda and we would like to hear from each chief who is here today. Have we heard from Chief Miller? He is not here. Chief Jiminez, City of Hayward? We have heard from San Diego and Santa Monica. Is Chief Deise here from Sacramento? Chief Ehrens from Arbuckle -- would you like to make a statement?

EHRENS: We have them outlawed in the county, safe and sane as well as --

McMILLAN: Do you think if this state law was repealed that it would be easier for you to enforce your local ordinance?

EHRENS: Do you mean if safe and sane were ruled out as well as other fireworks? Well, it would stop the people going outside and finding them and bringing them back into your county to your fire district and firing them. I had an example this year that shows how far smuggling goes. One of the local boys went with his folks back to Oklahoma and brought a supply home and I understand he got quite wealthy peddling them out by the piece. It's just a smuggling situation that

goes on.

McMILLAN: I think it would be very difficult when you can go right over the line or across the street and some instances and buy all that you want and you can take them right over where they are illegal.

EHRENS: These came clear from Oklahoma. That's how far they go.

KENNICK: Did you have any trouble last Fourth of July, Chief, in Arbuckle with fireworks of any kind?

EHRENS: I just had these few that came in from Oklahoma, and they were shot off a week before the Fourth of July in about two nights, and that was it.

KENNICK: Were they safe and sane fireworks?

EHRENS: No, they were high-powered firecrackers.

McMILLAN: The kind we were brought up on, Joe.

KENNICK: I know that you reduce the fire hazard. If you carry that to a logical conclusion you could outlaw matches and reduce the fire hazard, too. You have to stop somewhere within the realm of reason.

HENSEL: There is another thought, too, Mr. Chairman. You spoke of the firecrackers that we used to fire at one time where there was little powder -- now they make them where they blow you up, with a really terrific amount of high-powered powder in them and there are situation where we had the little firecracker in the little can, now they will blow you right off the face of the earth.

McMILLAN: We have had a little experience with them in the State Assembly.

KENNICK: Do you gentlemen actually think that there is destruction in a sparkler in the hands of a child under the supervision of his father in his back yard? There is danger. He's got a poor father.

McMILLAN: Thank you, gentlemen. Are there any further questions from any members of the committee? Or is there anyone in the audience that would like to make a statement along this line? Or any further

comments from any of the Chiefs? Mr. Carrell?

BRADLEY: Mr. Chairman, may I ask one question? I hate to see the record left without maybe a little further explanation. I appreciate that these are all chiefs of the fire department. I am not particularly anxious to see a lot of the fireworks come back, but I still have a hankering that it is the Fourth of July and a little pyrotechnics of some kind is appropriate. But I have thought that the safe and sane type of fireworks was a happy compromise and am a little bit surprised that some of the chiefs here feel that even these are not a compromise. San Jose has allowedup until this year safe and sane fireworks and I think we were a little surprised this year that sparklers went out, but my recollection is that San Jose has had a very reasonably good record so far as injuries from fire is concerned, where you have had safe and sane fireworks. Do I take it that for the record there are no fire chiefs here that have a heart at all for safe and sane fireworks?

HENSEL: I, for one, Mr. Bradley, say no. It's part of my duties in a case of death, in a case of burning, I'm the one that goes out, signs for those little children's bodies. I am the one that sees them, maybe they are burnt from having a very nice little dress on let's say. The dress is taken off, maybe the child is lost, maybe will have scars for the rest of his life, and to me, no, it isn't worth it.

BRADLEY: Are you talking about now, situations that have arisen under safe and sane fireworks?

HENSEL: Naturally. I am talking about anything. Anything can do it -- a match.

BRADLEY: Well, sure. That's what somebody said up here on the committee. Probably one of the greatest fire hazards you have got in the country is a kid and a box of matches. You probably have more fires start that way than just about any way you can put your finger on. But I'm talking about the Fourth of July type of safe and sane fireworks,

assuming you've got some parental supervision. I think you do have, in most cases. Is it your opinion that you still don't think that there should be any allowance for this sort of a situation?

HENSEL: Yes, I do.

HAYES: I have already said I don't approve of it. We don't have any problem here in San Francisco, because we don't have them. We don't allow it.

BRADLEY: Well, San Francisco -- you're so heavily built up, you have a special problem here, but take Santa Clara County, San Mateo County, referring to the bay area, Alameda County, we're not built up wall to wall the same as you people are.

HAYES: Well, we think that in places like that possibly the fire crackers or the sparklers could contribute to the grass fires and forest fires.

BRADLEY: I'm not talking about firecrackers.

HAYES: I used that word to designate this particular type of operation. And you spoke about parental supervision, and if you'll pardon me, I don't think much about that particular aspect of the thing. I think that is a nice way to put it, that they will be under guidance and so on, but so often that is not so, and the damage is done. It is done to children themselves, and I don't like the operation at all. I think the solution of the thing is public display under supervision.

CARRELL: Mr. Chairman, Mr. Bradley, just this comment about fire works. I don't think children today are being deprived of viewing fireworks. I think they have a greater opportunity today than they have ever had before, because of the regulated, licensed, public display. And I go along without any reservations in abolishing all fireworks and resorting completely to supervised displays.

McMILLAN: You would exempt displays where they --

CARRELL: Definitely. We need this. I go along with Mr. Bradley.

I certainly wouldn't want to deprive children and even the aged children from having the opportunity of celebrating our independence day.

McMILLAN: I think that's a very sensible answer.

SHUKRAFT: I would like to comment also. The fact is, our problem in the past has not been shall we say, with the children. But it is the children we have in the teen age bracket and up -- some of our children get up to 21, 22, 23 years old. We have had trouble -- one of our city councilmen in San Diego, some years ago, he's no longer alive, but the gentleman proceeded to go ahead and celebrate his own Fourth of July in his own back yard. It's not the problem in the area where you have proper parental supervision -- it's the problem of the ones that have the cars that go by and pick this stuff up and go -- not necessarily fire crackers, sparklers, or just your Mount Vesuvius, this thing that errupts a small fire. I think one of the problems that wasn't brought out even on the safe and sane, it has to be covered real heavily by the State Fire Marshal's office, and an enforcement officer takes a lot. These safe and sane -- all of them are brought in and sold under the guise of safe and sane, and yet you have to be careful, smuggling and all that, they bring in some that are not properly built. If some of you have had occasion to meet the special enforcement officer they have in the State Fire Marshal's office in Los Angeles, who rides herd on this, but they have a certain amount of clay, a certain thickness of choke, and the protection of the stick. I was involved, not long ago, the State Fire Marshal's office had to go into Los Angeles on a court -- to where one of these things that hold the wooden stick -- the boy held it up, but it blew the stick out and it went through the boy's jaw and out into his neck. This was -- supervision would not prevent that. I believe that if it could be under the proper supervision something like this would be O.K. I think that most all the chiefs would say under the circumstances that on a public display, we are not against that

because it is under proper supervision, but I think something should bring out, no matter what you do, there was quite a fight in previous years to get even a safe and sane, originally to outlaw fireworks. And I think even if you got a law now to outlaw them now would bring a terrific fight. I know the industries have quite a fighting fund to come up and fight just such a law as this.

McMILLAN: We are going to have to move along here. We have spent considerable time on this now. Mr. Vance, did you want to make one closing statement?

VANCE: Just for the record, and this is purely based on statistics, we have had no serious injuries, no eyes out, no fingers off. We did have this incident of a dowel piercing a youngster's cheek. The surprising thing, it isn't simply for the record, is that the preponderance of serious injuries, by that I mean hands blown off, faces blown off, the youngster decapitated, in other words his head blown off, were all in the field of public display. This is simply for the record. I am not advocating that we do away with public display. That's our prerogative to heavy up the licensing, the examinations we give these pyrotechnicians, these experts. This has occurred. And this has occurred in the public display field. Our affair is this. First, I want to express this -- it's two to one on a return, unsolicited, except that we did ask them please return a folder, two to one in favor of safe and sane fireworks in this state. This is the firechiefs themselves. The state of California only, yes. Now, I know, as Chief Shukraft points out, maybe they are under pressure, and couldn't express themselves truthfully. I don't know this. It is still 2 to 1 in favor. And I am guided by that somewhat. The fact that we haven't had a bad fire experience, nor any bad injuries. So, as the State Fire Marshal, I am forced at least to look at the statistics, what has happened and the fire potential. You can certainly get burnt from safe

and sane fireworks, from sparklers. You can start fires with them. But under any decent parental superivison, we think we have got something better than abolishing them all and making smuggling a real profitable situation. Firecrackers were selling in the City of Sacramento until they were picked up and apprehended, for $1 a package.

McMILLAN: Well, that is a point I would like to touch on a little, too, is the economic aspect of this thing, the way it is operated today. You can go down into some of these little communities where they permit them and they will charge about 3 or 4 prices for those -- ten times what they are worth.

VANCE: You are thinking of safe and sane. There is no fireworks in this state ever permitted except for public display. There is no cherry bomb, nothing that will shoot in the air.

McMILLAN: What about these fire concessions, these little stands that are alongside the road?

VANCE: These are your safe and sane stands.

McMILLAN: But they are not allowed in certain communities, are they?

VANCE: No. By local option. There is smuggling. We know that. We have great difficulty and only with the cooperation of people like in SanFrancisco and around, can we actually nail these as they come pouring into our state. But we have always felt more or less, that if you abolish totally, made toal abolition, then you are going to wind up making smuggling profitable. I don't know this. Maybe it would take a year's trial. But from where we sit, the difficulty we have, and we post the borders, every entry into the state with large signs, we're still getting illegal fireworks.

McMILLAN: I think you are doing a very good job, too.

LEVERING: What are they doing in other states? Has anybody outlawed them?

VANCE: I don't know of any state that has completely outlawed them. I am speaking off the top of my head here. Most states don't even have the safe and sane law. The State of Washington just went back to safe and sane after they had been under abolishment -- total abolishment up there. Based on this thing, that I was trying to express, that they couldn't control the smuggling, this illegal stuff. We do check, and I mean these are in case lots quantitatively, qualitatively, the price of them, we have no control of that certainly. If they are unusually high, maybe this is for the industry to take a look at itself. But I certainly sympathize with the chiefs, it's like wanting to sprinkle every building in the state, to cut out risk to nothing. I agree with them on this point.

McMILLAN: Thank you very much, gentlemen, for appearing today and for your comments. And we'll have to move on now to the next subject, the dry cleaners. The Board of Dry Cleaners -- we have some members here, I believe. Is Charles Spats here? And Steve Carroll? Bart Christensen? Mr. Shepard, the Secretary of the association. Would you all come forward? There may be some others here who wish to make a statement, but we'll start off with the members of the Board. Who is the Chairman of the Board? Mr. Christensen, would you like to make an opening statement? And you will be followed up possibly by some questions from the committee.

CHRISTENSEN: My name is Bart Christensen. I am the president of the State Board of Cry Cleaners. I would like to address my remarks to a suggestion of Mr. Vance, the Fire Marshal, that his servies to the dry cleaning industry are inadequately financed. I am sure that this is true, and would like to begin the discussion by saying that his services are very important to the industry, to the dry cleaning industry and to the public of California, in our opinion. We want them continued. We also want to finance them adequately from funds collected

either from the dry cleaning industry or the allied trades to the dry cleaning industry. We have suggested possible legislation in the field of collecting fees for services which are now being given but no fee is being collected to the manufacturers who wish to sell dry cleaning plants in California that are new in enough respects that they have to be checked. That is now being done, but no fee is being charged. Also the new appurtenances to these machines as they come in are checked by the Fire Marshal and there is no fee being charged for that. We have suggested, and obviously I am going rather quickly here, that even a person who puts in a new plant requires services from the fire Marshal in the first year, of about six times what he does any succeeding year. And it is possible that a fee should be paid for these services. In addition to that, our feeling is that if our fees need to be higher to pay for the fire marshal's servies, we are willing to increase our fees. You have gathered, I am sure, that we are not particularly fond of the idea suggested by Chief Vance that the inspectors for the industry be relegated back to the direction of the fire marshal from what is now the division of investigation. But in order to explain that, I would like, if I may, and I will do it very quickly, to describe a situation and perhaps all the members of the committee are not acquainted with it. In June of 1961, that's a little over a year now, the inspectors for the State Board of Dry Cleaners were by administrative regulation amalgamated into a group of inspectors now called the Division of Investigation under the Department of Professional and Vocational Standards. We had had about 11 positions okayed and about that time had, I think, 9 men actually hired who were doing the inspecting under the direction of the state board. I have yet to hear anyone make a serious complaint about the record. We had no problems at all. We had an industry happy with the inspection program. It was being directed by men in the industry who understood their peculiar problems and so on. They had a clean

industry because as well as the industry inspectors being instructed carefully by the board and becoming sophisticated in the enforcement of the law that was under the direction of the State Board, you had also an industry that helped the State Board, who were members of their industry, to keep the industry clean. Now this administrative order was done, the step was taken after it's being agreed in by the majority of the State Board. This, then, was in operation for about a year, and it was done on the basis that it would effect economy and efficiency. And as a matter of fact, in a recent discussion with us, the Director of the Department told us it is only going to cost a little bit more. So this is the official attitude. It will not be less expensive, it's now been on a year, so it is pretty apparent it is not going to be expensive; his words were "It is only going to cost a little bit more, under the Division of Investigation than it did being directed by the State Board of Dry Cleaners." Actually, we think it is going to cost very much more and in our budget you will read officially written, we don't know what it is, it will be a pro rata, and this is the thing that we are much disturbed about on finances. If we are going to raise our fees to pay something, we would like to know that it is necessary to pay the fees, and as I have indicated, we are willing to raise them. Another thing happened, at an industry meeting at which about half of the licensed plants of the state were either present or had representatives there, as sort of a grass roots revolt against this Division of Investigation, people from all over the state said, "We don't have any law any more. We're not having any enforcement." Now, it wasn't because under the Division of Investigation there were no inspections. There were. There were as many, perhaps even more than there had been before. But the quality of inspection had been reduced to where there was a large loop hole. The person who was being inspected by an inspector who hadn't been taught well enough and didn't know the sophisitcated way of inspecting would hear from the man he found in violation, "My license is on its

way here." And not knowing how things worked, he would leave and the violation would continue. Or he would be told, "I am the man whose license is on the wall," and he wouldn't be able, or wouldn't know how, or wouldn't try, to investigate to see that this man was not indeed the man whose license was on the wall, but was an unqualified person. Till the industry all over the state said, "Our law is not being enforced." And sent a resolution to the administration asking that the inspectors be sent back to the State Board, under the direction of the State Board of Dry Cleaners. Subsequently at a meeting of the State Board, the majority of the board passed a resolution asking that the inspectors be sent back to the direction of the state board. Obviously now our feeling is that this was successful, the inspection program under the direction of the state board, that that is where it belongs. We think that perhaps the two things that are wrong, that the program as it is now might also be wrong under the fire marshal. We don't know, but it might cost more. I am not really belaboring it, because that is something that is pure conjecture. But we feel that a man who is trained as a fire preventer,and let me testify to you that they are very successful in this. We know better, perhaps, than anyone. Their prevention has saved lots of money and lots of lives and lots of operating expense for insurance, to our industry. But this is the thing they are trained in, the thing they are interested in, and the thing that seems important to them, and we think they wouldn't think it is important, without very great training and schooling, to see that the right man is on the job and that his name is up there. We just can't feel that he would give the same importance to that that this program has had under the direction of the State Board, which has had no problems. Our feeling, rather, would be that this situation which now exists is not the proper situation, and the idea suggested by Chief Vance is not the proper situation, but that these inspectors be directed to be sent back to the

State Board. We hope this can be accomplished by administrative regulation, if not, then by legislation. Thank you very much.

LEVERING: Mr. Christensen, when did you say this administrative order was promulgated?

CHRISTENSEN: It was put into effect in June of 1961.

LEVERING: And it hasn't worked out satisfactorily.

CHRISTENSEN: It has not.

LEVERING: How did this get away from you? Did you voluntarily give it up?

CHRISTENSEN: It was done by administrative regulation, and with the approval of the majority of the board.

LEVERING: Of the Dry Cleaner Board.

CHRISTENSEN: Yes, the Dry Cleaners Board.

LEVERING: In other words, you made a mistake.

CHRISTENSEN: I wasn't one of those that voted for it.

McMILLAN: He was in the minority.

LEVERING: You were just like some of the rest of us are, minority vote. And now you want to get it back again.

CHRISTENSEN: We think that it's the only way that this works properly. We think it will become obvious to anyone who investigates at all, because the industry has been very unhappy with the present set up. While the board in their judgment has gone along with the industry, it didn't work.

LEVERING: The board now would like to get that authority back again?

CHRISTENSEN: That's true.

LEVERING: What do they have to do to get it back?

CHRISTENSEN: We don't know.

McMILLAN: Which part of the board -- the minority or the majority.

CHRISTENSEN: The majority wants it back.

LEVERING: Well, who issued this in the first place, then? I mean, if it has been done with your permission, which apparently it was, how do you proceed if you've got enough votes to get it back? I think that is what you want to know.

CHRISTENSEN: What has happened officially is that the board in session, has passed a resolution asking the administration to put the state board inspectors back under the state board. That's as far as we have gone.

LEVERING: Who are you asking?

CHRISTENSEN: The administration. The Governor.

LEVERING: Oh. You're asking the Governor to put it back again. Through the head of the B & P Board.

CHRISTENSEN: Yes.

LEVERING: Then all you have to do is to sell the Governor, and you've got it back again. That shouldn't be hard. Election is coming up, you know. I guess that answers it, Mac.

KENNICK: Mr. Christensen, in this investigative -- what is that, sort of an investigative pool?

CHRISTENSEN: Yes, it is a pool.

KENNICK: And then the men sent out to investigate the various industries need not be qualified in that particular industry.

CHRISTENSEN: They are making them somewhat qualified. In fact, we just had a report the other day very proudly stating that a man had gone to a certain place and inspected the barbers and the cosmetologists and the pharmacists and the dry cleaners, and it just sounds good, but when you say it is only going to cost a little bit more than it did before, then it seems to me let's specialize and cost a little less.

KENNICK: What did it mean to the inspectors that were transferred into this other agency? Did they get the same rate of pay? Are they the same men?

CHRISTENSEN: The same men and they get the same rate of pay. They are now inspecting for other agencies, and other agencies' inspectors are inspecting for our agency.

KENNICK: What is the attitude of the Director of the Department? Is he in favor of transferring these men back?

CHRISTENSEN: No, he is not in favor of transferring them back.

KENNICK: He thinks it is working well now, in spite of the fact that you tell him it isn't working well.

CHRISTENSEN: I can't say what he thinks. He perhaps thinks it hasn't had enough time, I don't know what.

KENNICK: You would suspect that that is what he thinks.

CHRISTENSEN: Yes. I suspect that he thinks that if it is not working well, maybe it can be made to work well. But after a year, it seems to me that that is a fair trial.

KENNICK: What was the fault that the director found with it in the first place?

CHRISTENSEN: I have never heard anyone find fault, and I certainly haven't heard any director find fault with the program under the State Board, but this idea is sold on the basis of economy and efficiency, and it brought neither.

McMILLAN: Under the reorganization program, wasn't it?

KENNICK: Economy to you? You're a self-sustaining board. You raise your own money.

CHRISTENSEN: That's true. But it was sold to us that it would be economy to us. It didn't turn out that way.

KENNICK: And that subsequently you might be able to lower the dues of the members.

CHRISTENSEN: Yes.

McMILLAN: I want to ask another question of Mr. Vance. Will you step up there to that mike, Mr. Vance? Did you have any investigators?

VANCE: Prior to 1945, we performed everything, both what the board does and what the investigators do, the whole thing. Then the board was formed and they took over the actual inspection for licenses, and gave the examinations for the competence of the operators, and so on.

McMILLAN: How about the Fire Marshal? Did you have any investigators that went into this pool?

VANCE: No. We're not included in that at all.

McMILLAN: Thank you. Mr. Cameron.

CAMERON: I would like merely to state to get it into the record, that this pool that we are talking about is involving some 30 different licensees of the State of California, one of which happens to by my own profession, that of a certified public accountant. And as to what has happened in that particular area, I know from personal experience that we're getting a lot better investigations there than we were in the past. We were getting damn near nothing in the past, and at least the complaints are being followed up more adequately at the present time in my professional group than they were prior to the formation of the pool. This is the only experience I have had with it, and I did think it was appropriate.

McMILLAN: Mr. Cameron, do you know -- are some agencies exempt from the pool? Do they still have their own investigators?

MILLER: There are four.

CAMERON: That are in P & V Standards?

MILLER: That is my understanding. There are four.

CAMERON: I wasn't aware that there were any in P. & V Standards that were separate.

McMILLAN: Mr. Ellis? State your name for the record, will you?

ELLIS: I am David Ellis, the Executive Secretary for the State Board of Dry Cleaners. To answer Mr. Cameron, who is answering the question of Mr. McMillan, whether there are other agencies who are not

part of the Division of Investigation. Yes, there are a number of other agencies in the Department of Professional and Vocational Standards that are not part of the Division of Investigation. All of your construction industries are not part of it; the dental board is not part of it. They have not elected to become part of the Division of Investigation, and this was the reason that they were not included in the overall acceptance of all of the agencies when the proclamation was presented by the Governor, the executive order.

CAMERON: Only those were included that elected to do so.

ELLIS: Yes.

CHRISTENSEN: Mr. Chairman, I was asked the question whether or not what fault the Director found with the program of inspection under the State Board, and I think it might be interesting to the committee to hear from the man who has some knowledge of our inspection and so on, whether or not he thinks fault should have been found or whether it was being done well. I am thinking of asking Mr. Vance if that is proper.

VANCE: We have very little knowledge of the new investigating agency. We have directed some matters to their attention which they have apparently followed up. I can say this unequivocably, the relationship with the board's inspectors, was a very wholesome relationship and a very effective one. We work very closely together. We have a program under which the minute an application is made and plans submitted on a new drycleaning plant, the board is notified. If the man is a licensed operator, this word goes to the board immediately. This is the previous time. Where there was any doubt in our mind, they had good, efficient, fast service and we saw eye to eye. As a matter of fact, there weren't any people doing this work unless they were competent and they had passed the board and did have licenses.

KENNICK: You transferred nine men, Mr. Christensen, from your--?

CHRISTENSEN: We had had 11 positions okayed, and only 9 men on the payroll at the time of the transfer.

KENNICK: Were these men constantly busy in the field of inpsection when they worked for you?

CHRISTENSEN: Yes, they were.

KENNICK: Do you have nine men from the pool now working for you regularly?

CHRISTENSEN: No, the way it works now is that these people do part of the work for other agencies and men from other agencies do part of the work with the State Board of Dry Cleaners. I think it must be at least double, maybe more than that, maybe as many as 30 that are now doing it, but part time.

KENNICK: Are you giving the service to the dry cleaning industry under the present system that you did under your own? That's the important thing, isn't it?

CHRISTENSEN: I feel that we are not giving that service and the dry cleaning industry has expressed that before there was any expression by the board. They had actually sent a resolution to the Governor 60 days before we didn, asking that the inspectors be returned back.

KENNICK: Mr. Levering said you shouldn't have given them away in the first place.

ELLIOTT: Mr. Christensen, how do you share the cost under this plan?

CHRISTENSEN: We don't know. Pro rata, whatever that means.

McMILLAN: Is it costing you more now that it did when you had your investigators.

CHRISTENSEN: Yes, it is costing more now. The Director has said only a little more. We suspect very much.

McMILLAN: Well, of course the state is growing and your industry is growing, too.

CHRISTENSEN: True.

McMILLAN: All right. Who else wants to make a statement?

KENNICK: Mr. Chairman, could they not get these people back by order of the Director of the Department of Professional and Vocational Standards? Isn't that how you would go about it?

ELLIOTT: It would require an executive order by the Governor. It was his original executive order.

KENNICK: Well, upon recommendation of the Director of the Division.

ELLIOTT: Then the Governor would have to issue an executive order, not a departmental regulation there.

CAMERON: If the 9 go back here, all 30 of them fall apart. It seems to me that we're dealing with a problem that is critical to this industry, but also it would be equally critical in the opposite direction to other industries. You have to balance what is the benefit of the maximum number of licentiates and the greater good of all the people of California. I don't know. I haven't hear enough from the other boards on this.

CHRISTENSEN: In a discussion with the Director, Mr. Carroll and I were in a discussion, and he said substantially what you have just said, that he couldn't say to us that ours were getting better service. He wasn't even sure it was getting as good service and so on, in the face of the sort of clamor from the industry, he wouldn't want to say that. But certainly the investigative department was making the Department of Vocational and Professional Standards work better.

ELLIOTT: Mr. Chairman, one other question. How long has this program been in operation, Mr. Christensen, about six months?

CHRISTENSEN: It has been 15 months.

ELLIOTT: 15 months. Is it possible that it has had sufficient time to have all of the bugs worked out of it, and maybe given enough time it might turn out more efficient and give more service and also save money for the respective agencies involved.

CHRISTENSEN: Mr. Elliott, this is purely a matter of judgment,

and I hope that what you are suggesting is true, because time goes on and we don't see any chance of its going back. There are those in the industry, and this is the reason for this clamor, they feel if it continues long enough, then there is no point in having any law and there won't be any way of enforcing it, because of the inexperience of the people who are doing this inspecting.

ELLIOTT: In other words, you have to balance this factor against the fact that inspectors are being sent out and expected to cover so many fields of inspection thatthey are not sufficiently specialized to be qualified to give adequate inspection.

CHRISTENSEN: Wish I had said that.

CAMERON: Mr. Chairman, might I suggest to you and to the committee that the committee address a communication to Mr. Jim Loebl requesting a report be made to this committee with regard to the investigation division and how he views it at this particular time and that based upon the judgment of the Chairman of the Committee, possibly, and Mr. Loebl's report on this subject matter, it might be appropriate for us to go into this at greater length with the other boards and see what the total picture looks like.

McMILLAN: At some future meeting. All right. If there is no objection that will be so ordered. Any other members of the commission wish to make a statement? Mr. Bradley, pardon me.

BRADLEY: Might I suggest, though, that from the report that this committee has now in the record from Mr. Christensen as to what the head of the Professional and Vocational Department has indicated, probably the report would be to the effect that we took a little more time, and considering the factor the greatest good to the greatest number and so on, the report would tend to lend itself to the idea of continuing with the present system. I think that what would be helpful to this record and from our point of view, would be if Mr. Christensen or somebody

would give us very briefly a statement as to the technical nature of the inspection work that is done by your inspectors. I only have a very general idea in my mind as to what your inspectors have to do, but I assume that the drycleaning industry being involved as it is with volatile materials and various other factors entails a rather technical knowledge of what is or is not a dangerous and defective condition that needs to be corrected, and maybe a very concise statement of what your inspectors have to do would indicate to this committee that it does require and it seems to me that it would require specialized training that you're not going to get in a general inspector's work. Can you give us that very briefly? What are the fields that an inspector has to cover, for example?

CHRISTENSEN: The technical nature of the investigation isn't so much in the field of the kind of work the dry cleaners do. This is done mostly by the board in the examination. There's no point in giving an examination and determining that a man is qualified and is able to handle these chemicals and these boilers and so on safely, if, in fact, he can handle them because of the unsophisticated inspection without any license at all. This is the problem that we have. They actually go into business and operate for a year or so without any license at all. They have never been tested as to their ability to handle the fabrics and the chemicals and the machinery and boilers and so on that are dangerous and technical. They just simply skim by. They get in and are not detected. This was our problem and this is what has caused the clamor from the industry.

SPATS: Mr. Chairman, may I say a word? My name is Charles Spats. I think when you get a report from the Director it will show that they are making more inspections, but not the type of inspections that we are in the habit of getting. They will inspect one particular place 3 and 4 times within a month. Others will never be inspected for 6 months.

So when you do get that report for you to --

McMILLAN: Isn't it the practice for the pool to assign the investigators who have had special experience and qualifications in certain fields?

SPATS: No, it isn't.

McMILLAN: Do you think that an investigator who was sent out by the ABC might be assigned to your industry?

CHRISTENSEN: That is true. They may inspect -- you take the furniture and bedding inspectors -- I think they have had a week or two of schooling, but not enough to know how to inspect an agency or dry cleaning plant.

McMILLAN: It was my understanding that they kept, say the inspectors from the various agencies that were brought in, they reassign them out of the pool to the same --

SPATS: Mr. Chairman, that is true, but our inspectors are inspecting barber shops, furniture and bedding. They are not only inspecting the dry cleaning plant, it is just one mixture. And they don't know any more about the barber shops, I imagine, than the barber shop inspectors knows about our dry cleaning plant.

CHRISTENSEN: It occurred to me, in answer to Mr. Bradley's question, there is one statistic, I think, that would be important to show, that it isn't just a matter of the feeling of the industry or someone believes something. Under the inspection program of the State Board of Dry Cleaners, we received each month notices of certain people closed because they operated without a license, certain people taken before judges or before the district attorney. I am certain that it can't be gainsaid that less than a tenth of this kind of activity has gone one under the Division of Investigation in our industry than went on before, which indicates the quality of the inspection, not the number, was what was important.

McMILLAN: Any other member care to make a statement?

SHEPHERD: I am George Shepherd of the California Dry Cleaners' Association. I would like to comment very briefly. Chief Vance made three recommendations for additional revenue, and of course we're concerned about this. For one thing, of course we don't want increased license fees if it can be avoided, naturally. I can't speak officially for the industry, of course. I can only express my own viewpoint as to what I think they think. His second suggestion was an additional fee for pilot installations on new plants. We feel that might be a very valid suggestion. As a matter of fact, we recommend, we support that position, on the theory that a person who uses the services should pay for the services, and that where there are additional services for pilot installations, those should be paid on a fee basis. Now, his third suggestion was the possibility which has been explored here quite extensively of the Fire Marshal's deputies making the inspections rather than either the Division of Investigators or the State Board of Dry Cleaners. Now we have officially recommended that the inspection be returned to the State Board of Dry Cleaners for the reasons which have been so ably stated already. However, I would like to say that after having workedwith the Fire Marshal for 16 years now in this particular position, I feel that certainly when inspections are made by the Fire Marshal, he can make at least supplementary examinations or inspections for a license as being on display. It seems to me that the few minutes that is involved in doing this and the small additional cost would be well repaid in getting compliance even though it did not replace the inspections by the board. We have since the very inception of this law in 1945 discussed the possibility of the State Fire Marshal making these inspections. It was a natural suggestion because he had made them previously. Generally speaking the Fire Marshal's attitude has been that it is a type of activity that they would not like to devote a great

deal of time to, because they are specialized. They are deputy fire marshals. They are not inspectors, investigators. However, certainly it is something that we should explore. Our feeling is as an association that we favor the return of the inspection procedure to the State Board of Dry Cleaners. We have no quarrel with the idea of establishing a more efficient and economical method of inspection. We favor it greatly. We have had no evidence of the fact that the type of inspection being conducted now is as efficient or as economical as it previously was. Mr. Christensen of course pointed out that there was no dissatisfaction as far as the industry was concerned or from any source of the inspection procedure and it was changed with the approval of the State Board and with the consent of the representatives of the industry on the theory that we would improve the efficiency and the economy of the inspections. That, I think, has been belabored sufficiently. I merely wish to point out that our official position is that we would like to see it returned. We think it would improve the efficiency. I am ready to express any viewpoint, answer the questions of members of the committee concerning what the industry thinks. All of the members of the board who are here are members of our association, so certainly they are not at variance with the general feeling of the industry. Nevertheless, my viewpoint is slightly different from theirs and if there is any information I can give or questions to answer, I would be glad to do so.

McMILLAN: Any questions from the committee members? Any further statement from anyone from the dry cleaners?

CARROLL: Mr. Chairman, I would like to make a statement. My name is Steve Carroll, State Board. I would just like to point out that under our previous system of the inspectors being under the State Board, our inspections were very effective, because our inspectors had the authority and the power if they found the violation they did something about it

immediately, whereas now, if an inspector goes in and he finds a person operating without a license, he goes back and reports it, it goes through the bureau of investigation, it comes to the Board, and it is a long round about way of getting any effective thing done about it. That is the reason, I think, we have so many violations in our industry today, compared to what we had under our other method of operation. We feel like it would be a much more effective way, to go back to the way we had it before.

McMILLAN: Let me ask you this question. If you were assigned from the pool the same qualified men who worked for you before the origin of the pool, and that would only give the Department of Professional Standards control over these investigators, would that suit you? Isn't you great complaint that you are getting investigators who are not particularly qualified? In you particular field?

CARROLL: That would be much better than the way we have it today. I wouldn't say we would be satisfied. We would much rather have it back the way we had it, under our jurisdiction. However, I would say that would be much better than the way it is today.

KENNICK: May I make this observation? I have watched the dry cleaning industry for a long time and they have had their troubles and their tribulations. In the past 7 years I think they have done an outstanding job in this industry. I think this is a self-sustaining group of people. These men represent the industry in the State of California and by their testimony have told us that they are not pleased with the type of investigation compared with what they had before. If there is anyone in the state who should know what they are talking about, in the dry cleaning industry, it is the men who are sitting here. It has been suggested that we ask Mr. Loebl to give us a report on how the investigative division is coming along. It would seem to me that we might be wise to inform Mr. Loebl that in our opinion and in the

testimony that we have heard here, from representatives of the dry cleaning industry in the State of California, the top men of that industry in this state, and we have no reason to doubt their word, that the complaint comes from their industry generally, that the nine men be returned to the Board for investigative services. If it is working well in government, why bother to remove it? Heaven knows, there is very little that works well as it is.

McMILLAN: I don't know if it is in the purview of this committee to offer suggestions in the reorganization of the state government.

KENNICK: Someone has to offer suggestions.

McMILLAN: I don't think there is anything barring any individual member from doing it.

ELLIOTT: Mr. Shephard, the association has gone on record as desiring the change?

SHEPHARD: Yes, we have. We have officially requested it of the Governor with a copy of the letter to Mr. Loebl. I might say that I feel that we are certainly always open to any -- would welcome any information which might change our opinion on this matter. We certainly haven't a closed mind on it, but there is no evidence so far that we have seen that it is as desirable a set up as we previously had. However, I would like to reiterate that we certainly want any information which would change our mind. Theoretically it would seem logical that an inspector inspecting for several types of licenses in a given area, could operate more efficiently. And I don't know why it hasn't been true but it definitely has not been true to date. Now, there is the matter of time which Mr. Christensen pointed out. We don't know -- possibly in a year, 5 years, 10 - 20 years from now it might be efficient.

ELLIOTT: Mr. Chairman I would just like to comment that perhaps we do need more information. I am inclined to support Mr. Kennick, but I do think we should proceed a little bit cautiously, inform the

Governor that the committee has heard testimony on this subject, and we are very concerned about it. It appears to us from the information we have that the Governor should give a second look to this program. I think this would be very desirable, to that extent, anyway.

McMILLAN: I think that would be the attitude of the committee. I think we'll do that. Anybody else want to say anything further on dry cleaning?

MORRISON: I'm Douglas Morrison, member of the board. This is for the benefit of the record. I want my name on the record with members of the board. I can't add much to what has already been said. However, I know that the industry, and the board members are not the only ones that are not happy. The inspectors themselves are real unhappy, that is the majority of them, in going out to investigate furniture and bedding, when they are actually dry cleaner inspectors. In fact, I had one particular man, he said he was almost ready to quit, because he's having to go out and inspect this bedding and this furniture that he isn't qualified for, he doesn't have the training.

McMILLAN: What kind of a period of training do they put them through to qualify them in every department?

MORRISON: Well, talking with those that I am acquainted with, they attended school for a period I think of 6 weeks -- I understood it was about 6 weeks schooling, and you just can't learn the dry cleaning industry in 6 weeks. I've been in it all my life and I am learning something every day.

McMILLAN: Any further comments? Mr. Bradley?

BRADLEY: The only thing that I would add to this situation as I see it, in answer to the question, Mr. McMillan, that you asked, if the board would be satisfied if the 9 inspectors were returned, but still be left under the inspections department of the Department of Professional and Vocational Standards, is that you don't get the enforcement when you need it. You have now interposed a new degree of delay in getting

immediate action on your inspection, and this undoubtedly has had its effect on the industry. It seems to me that this ought to be in the record, that while there might be a compromise, it isn't still the whole answer to the greatest degree of efficiency that the dry cleaning board has experienced in the past before this change was made.

McMILLAN: Any further comments? Mr. Ellis?

ELLIS: Mr. Chairman, I would like to correct the language that Mr. Kennick has used in behalf --

McMILLAN: You had better correct it pretty loud. He just stepped out in the hall, there.

ELLIS: Only for the purpose of the record, Mr. Chairman. In reference to the 9 investigators. This was not 9 investigators. We had 11 positions. Two were investigators, and 9 were inspectors.

McMILLAN: Two investigators and 9 inspectors.

ELLIS: Yes. The original formation of the Division of Investigation was to centralize a bureau for investigation. Then the department felt it was necessary to combine so that they would not have a divided element of enforcement. The inspectors who worked for the State Board of Dry Cleaners were also capable of investigations and they follow through through the local law enforcement agencies. They were probably identified later after the formation of the Division of Investigation as an investigator. But their personnel and state status is, they are an inspector, not investigator. It is a complete different category. This category is evidently identified for -- I am not sure of the number of agencies, but there are only a very small amount of agencies in our department who have inspectors. Most of the rest of the agencies have investigators.

McMILLAN: Inspector is higher than an investigator, isn't it?

ELLIS: No, sir. Investigators are higher.

ELLIOTT: I don't quite understand. Do you mean that the 9

inspectors were turned over to the Department of Investigation, but you retained the two investigators? Or were all eleven, investigators and inspectors, turned over to the department? To the Division of Investigation?

ELLIS: Mr. Elliott, we have turned over complete law enforcement group which were of 11 positions. We had nine bodies and 11 positions. There were two vacancies. We were in the process of interviewing to fill these vacancies.

ELLIOTT: In other words, there are really 11 positions to be filled in connection with your contribution toward investigations.

ELLIS: That is correct, Mr. Elliott.

ELLIOTT: Is the function of investigator and inspector combined, or are both functions performed?

ELLIS: Previously, under the identification of the State Board of Dry Cleaners, the inspectors have performed the both identities of investigations and inspections. At this time, they don't perform the dual service. They only perform the inspection service and an investigator takes over when supposedly there is an investigation.

ELLIOTT: They are separated with the Division of Investigation.

ELLIS: Yes.

McMILLAN: All right. Are there any further comments? Mr. Vance, do you have anything further to say. All right, thank you very much, gentlemen, for appearing here. We appreciate your suggestions. Now, we are going to have to get back to the fire -- we have a couple here we were not able to hear from this morning. Mr. Robert Levy, Superintendent of Bureau of Building Inspectors, of the City and County of San Francisco.

LEVY: Mr. Chairman and members of the committee, I am testifying at the suggestion of Mr. Miller, with relation to several different problems. First, I believe there was some mention made this morning

of retroactive legislation with regard especially to apartment houses and hotels, and the problem of what San Francisco has done came up as a part of that. San Francisco, prior to 1958, had very little retroactive legislation. In 1958 a housing code was passed which was not well publicized but in which there was a great deal of retroactive legislation dealing with sanitation, with fire protection, fire escapes, basement sprinklers, and so forth. In 1961 there was a second series of retroactive legislation which received a great deal of publicity and which was heard by the Board of Supervisors in SanFrancisco for many, many months, a series of many hearings. This was not a part of the Thomas Hotel fire which many of you may have heard about. The Thomas Hotel fire did undoubtedly further this legislation. This dealt with the protection of transients, the smoke barrier which in effect contained fires from going into the various corridors. We require electric outlets in every room in a hotel or apartment house. We require that there be no wood under the stairways, dry stand pipes and many other provisions.

McMILLAN: Is this retroactive?

LEVY: Yes. This that I am trying to recite is the retroactive legislation that was passed in the San Francisco Housing Code. This deals with all apartment houses and hotels, but not commercial or institutions. Within the City and County of San Francisco.

McMILLAN: Not state wide.

LEVY: No, sir. In addition to the retroactivity all buildings must be at least maintained in accordance with the code or restrictions at the time it was built. Basicly the Department of Public Works, and I believe the City, through its legislation, supports retroactivity very definitely where there is a need and where the provisions are very carefully spelled out. In our legislation, specifically, each category that was retroactive is specifically spelled out to be retroactive, and

the exact provision or requirement of the retroactivity is spelled out, so that there is no question either in the legislators' minds when they passed it or for any property owner or for anyone else as to specifically what is retroactive and what must be done. In addition, in making this retroactivity, a time period of five years was allowed in order for owners to comply with these laws, because otherwise they would have been immediately guilty of a misdemeanor if their apartment house, right after the law was passed, did not comply. These later retroactive laws will become effective in 1966. In doing so, though, we very definitely try to work within the framework of the existing building, tried, where possible, to install additional safety devices that would allow the use to be maintained. Many times the construction under retroactivity is less than that which would be required if a building were built new, but certainly, at the same time, brings the building up a great deal, in safety, to what we feel would be a bare minimum for existing buildings.

McMILLAN: You're not going to allow them to operate for a period of 5 years, or 4½ years, and then the last six months they can start to comply?

LEVY: They could, but many of them are complying now, in connection with modernization, painting, many other work that has to be done in the building. They can then set forth a program for doing this work. It was felt almost impossible with 15,000 multi-family dwellings, apartment houses and hotels in San Francisco, to say in one month, which would be the effective date of an ordinance, you must comply, or else you are in violation of the law. In the first place, some of these things cost a substantial amount of money, so that I mean the owner must obtain financing. Many times it can be done cheaper. For instance, sealing of transoms, in with the painting of corridors and rooms, so that by allowing this period it does involve by far the least hardship to the owner. It was felt that these buildings had been in

existence for many years. If we can get that correction in five years, we are certainly a long way ahead. This was one of the points that was brought out many times in the hearings before our Board of Supervisors.

McMILLAN: Some of these buildings won't be standing five years from now, will they?

LEVY: Some of them will not, and it's a very good thing. Some of them, it may be impossible to bring up. But basicly, the whole theory was, that here is an existing building that was built legally, and somebody owns that building; they have their life saving in it. What can be done to make that building safe for its occupants, at a minimum cost, but for the safety. Now, one problem that we have run into -- Chief Vance has had hearings for his proposed new regulations for Title 19. I testified at those hearings. One problem we have run into is the question of basic retroactivity not being carefully spelled out, and saying in effect that compliance with the present law would be prima facea evidence that no retroactivity was needed, but up to that point there would be a question. We feel that very definitely retroactivity must be carefully spelled out and very carefully noted to all, how this must be done. Basicly, you have local enforcement of Title 19. Unless this is very carefully done, you are not going to have uniformity throughout the state, which I think is certainly a desirable measure. So that we feel that retroactivity is good, where necessary, but only to the minimum, absolutely required, and where buildings were built legally, in conformity with their times and are properly maintained that basicly they should not have to be torn down or vacated but that suitable installation can be made to make them reasonably safe. With Title 19 also we have a problem -- this involves also the housing group -- of mixed occupancy, where there is a place of public assemblage in a hotel, for instance. This, then, becomes a problem of the joint operation of Title 19 and the State Housing Act. Now, in Title 19, the

way I could construe the language, I don't believe it was meant, but in these proposed revisions, if there should be a place of public assemblage, for instance, the lower floor of a hotel, which is very common, then the whole hotel might be retroactive to the 1961 Uniform Building Code. This would be almost impossible. Take the case of most of our hotels today in San Francisco, the Fairmont, the St. Francis, the Palace, and so forth, it would require complete tearing down and reconstruction of the hotel. This, I don't believe, is necessary. I don't believe that it is meant, but I do believe that when you get into these problems, in order to protect the law enforcement agency, be it the State Fire Marshal or the local official, that it should be very carefully spelled out, what is required, so that we will not get into these problems and so that in the future if there should be a catastrophe or an accident or a death, the court will not construe it that we were negligent by not requiring that the entire building meet the code of its day.

Now, with regard to Assembly Bill 787 in the Division of Housing, at the last legislature it was set up with the Uniform Building Code, Uniform Housing Code, and several other codes as a guide post. And it was said that all legislation or regulations passed in conformity with this, would have to be at least as strict as the Uniform Housing Code. Now, as an example, one of the problems which we face in San Francisco and is faced in many urban communities, is the problem of available lots, small lots, high rise buildings. For example, the Uniform Housing Code, it has certain size of interior courts which have a certain relation to fire and health. In the present state housing act, there are also provisions, and as far as we can determine, there have been no adverse effects upon public health and welfare from the size of these courts. Yet by taking the Uniform Housing Code, now, and using that as a guidepost, and saying that nothing can be less restrictive, the Uniform Housing Code happens to be substantially more restrictive in the size of the

courts, so that automatically whether a degree of hazard exists or not, we are going to be forced to upgrade this provision. Which I believe is to the detriment of the urban areas unless there is shown to be a good need for it. Now, we can find no need. If there should be one, then we would certainly support it. But lacking that, just because the guide posts were changed to unduly restrict construction, we do not feel was what the legislature intended. I don't think it was intended by anybody. As we get further into these rules and acts, we find that this is going to be the case. The same thing applies to administration. The uniform building code sets forth certain rules of administration. Now, most cities and counties who have building departments and fire departments have their own administrative procedures. They work very well. We get good compliance. In some cases they may be a little more stringent comparing word for word, in other cases slightly less. The point is, it is effective. Yet, under the legislation of AB 787, we would be forced possibly to adopt all of the more restrictive pieces of the administration that is in the Uniform Building Code, even though the end result of the present administrative features are perfectly satisfactory. For instance, the Uniform Building Code requires or states that on each building where there is a building permit, you shall have a job card posted on the building; each time an inspection is made, the inspector shall note it on the card, so that any other inspector can come by and see it, and there is a permanent record. We found that didn't work. Vandals took them down; people forged their signatures on these cards and so forth. So we adopted a system whereby each inspector carries a card. Yet, under this Assembly Bill 787 we may be forced to go to this inspection card system. This is just an example. Another example is, that the Uniform Building Code requires that there be special inspection for all concrete in excess of 2,000 pounds per square inch strength. This is very weak concrete nowadays. You get

that in a normal house footing. In San Francisco we require it for 3,500 pounds or better, because there you get into your high strength concrete and you want special inspection. The 2,000, I don't think is necessary, and I don't think any other building official thinks it is, either. Unfortunately, it is in this code. It has not been changed because most of these do not enforce it. Yet if it becomes a minimum state regulation, it would have to be enforced, I believe to the benefit of no one, and yet increase the cost of building substantially. So I believe that there is some very definite legislation necessary to clarify Assembly Bill 787 with relation to what is meant by these guideposts, both administratively and also in relation to these portions of the present State Housing Act, which are satisfactory, yet, by just changing code, you get into much more restrictive legislation. I believe it should be carefully reviewed. I think at the time AB 787 passed there were so many problems that no one got far enough into all the details, and quite realized what the ramifications would be. Yet as we are getting into these hearings, Mr. Nelson, and I don't mean any criticism of him at all, they've been very cooperative in these hearings, but we seem to get to the problem where the law requires it, be it necessary or not. And if that is the case, I think the law should be changed rather than invoking needless requirements just because of the statute.

There's one more problem which bothers most building officials quite substantially. And this is a problem which has been coming up more in recent years. And that is the problem about the state assignment of various duties to local agencies. Both the State Fire Marshal's Office, and in effect the State Division of Housing assign back to the local jurisdiction the enforcement of the minimum codes for the local ordinances if they are more strict. This is the question of home rule. This I think almost every city and county will agree with. Basicly we

are talking about a single building. There are three basic groups into this building. There is the building official, who is interested in many features of it. There is the fire official, and especially in apartment houses and hotels and also other occupancies, you have the health official who is interested in this building. Now various cities and counties have different administrative compositions. They have different problems, and they are staffed quite differently. There are many smaller cities that have excellent fire departments, and very, very poor building departments. There are other cities which have very good building departments staffed by qualified registered engineers, but the fire departments may not have quite that strength in certain fields. The same would hold good for the health department. So that within any given city you can have several different compositions of groups. Yet, in the assignment of work, for instance the legislation, Title 19, assigns this work to the fire official -- assigns it to the State Fire Marshal, the State Fire Marshal in turn deputizes the local fire chief. In Assembly Bill 787, a portion of the building, and these are not well defined, is the responsibility of the building official, a portion of the responsibility is the fire official's, and a portion of the responsibility to the health official. These are in very general terms. It is almost impossible to decide in a given matter what is building, what is fire, what is health. For instance, Chief Vance wrote a letter to us once in which he states that 75 to 80% of all building code provisions pertain to fire safety. This does not mean, however, that enforcement should rest with the fire officials if there is a building department. Now, the uniform building code has been set up as the standard pretty well of the state of California through its various codes. This book contains structural provisions, basic fire protection, exits and the like. This is promulgated by the international conference of building officials which is a group of city and county building officials, that they belong to. They

discuss these matters with the fire officials, receive the advice of the fire officials, vote on them, and this is the way it is built and this is the way it is amended. So there comes a problem as to the assignment of these various things. Who is responsible for the construction of a fire resistant wall, or the determination of a fire resistant wall. Is it the fire department, is it the building department? Now, the research that goes into it is done by engineers primarily. The testing is done by engineers. Some of these matters are highly technical, yet they are fire safety in a point. Therefore when the state assigns these basic jurisdictions, this is the fire, this is the building, this is the health, you get intertwined completely because they are never really separated. And then, when it gets to the local jurisdiction, I believe you have a tremendous problem. It depends on the relative capabilities as to who enforces it in different places. Or to set up duplicate enforcement in the case of Title 19 which is delegated to the fire official in a sense and to apartment houses and hotels which would be delegated to the building official in that sense. You could get two completely different groups of inspectors. Two completely different sets of boards. This, thank goodness, has not happened, because there are degrees of cooperation between building and fire. But again sometimes different groups will say, "This is the other fellow's." So there is no work done on this. It was my very definite suggestion that the state, rather than assign by virtue of these statutes, the work to a building official, to a fire official, or to a health official, assign the responsibility which now rests in the hands of the local jurisdiction and let the local jurisdiction decide that within the group under its disposal, how it should operate.

McMILLAN: Who would that be? The Fire Chief? The Council?

LEVY: The governing body. The Board of Supervisors -- by the local board I would mean in the case of cities the local council; in the case

of counties, the Board of Supervisors. And they in turn would have a better means of delegating and deciding which group should do this work, than would be done at the state level where, as I say, you have so many different, divergent capabilities. I feel that we are getting into problems that has only worked because of cooperation between these groups, but as we become more code-minded and more building-minded, and there is more pressure on us to bring these buildings up to code, and we start all to read these codes more carefully, these problems will creep up more and more and I believe that the basic statute could well be amended, and this would solve our problems. San Francisco, for instance, we are going to embark on a community renewal program under the auspices of the federal government, a study of our urban renewal and so forth. It is a million dollar study. One of the first things to be studied are the relative jurisdictions and how they should be set up between building, fire, and health, so that rather than have duplicate authority with a consequent waste of money and problems we might better be able to assign these duties within San Francisco. Yet, if that were done, we might be stymied by the state law. So we think that it would be much better to leave these things up to the governing body. They are responsible for enforcing the laws of the state as well as local ordinance, for seeing that those laws are enforced when they are so charged by the state.

There is one more thing I would like to mention, and it was brought up at the conference here of the chiefs, and by Chief Vance and your committee, and that is the question of the varying codes, and the fact that some cities enforce ordinances that are somewhat different than the state's. San Francisco, I believe, is probably the most unique in that, in that while we follow the general form of the Uniform Building Code, there are many provisions that are different in our code. For instance, our exit provisions. We just passed amendments about two

months ago which are now effective which are substantially more severe than the Uniform Building Code. That would mean that all buildings built privately in San Francisco, the hotels and apartment houses, for instance, would have to conform to the San Francisco code. State buildings of that type of occupancy, dormitories and so forth, would not. We also have the problem that there are certain materials approved and again, this is not criticism of Chief Vance, we have differences of opinion naturally on certain technical matters that are approved by the State Fire Marshal, which are not approved by the City of San Francisco. Conversely, certain things are approved by the City of San Francisco which are not approved by the State Fire Marshal. But what I was getting at was, conceivably buildings definitely could be, and are being built, which conform to the Uniform Building Code, the basic law of the state and of the Fire Marshal, but which would not conform to the San Francisco building code. And that gets to the problem, should we have two degrees of safety, or should the state in areas where there are codes, conform to the code in that area, so that the same degree of safety would be prevalent in the particular area, whether it happens to be a state building or a private structure.

McMILLAN: Thank you very much, Mr. Levy. Mr. Bradley.

BRADLEY: On the last point, you are getting kind of close to the City of Taft problem, aren't you, where you have the question of who controls the inspection and the application of a local building code when you are dealing with, let's say, state construction.

LEVY: That is true.

BRADLEY: Of course this has been near and dear to my Committee on Municipal and County Government. Are you suggesting to this committee that the State Fire Marshal's requirements should comply, that his standards should be raised to those of the City of San Francisco when you are dealing with a state building, for example. Take this building,

here.

LEVY: My suggestion -- again, I am raising this point because there was testimony here about this matter. I just wanted to come in and give another side of it.

BRADLEY: May we interpret your statement as being your personal opinion.

LEVY: I would rather have it my personal opinion rather than that of the City, naturally. Giving my personal opinion, I would say that if a building is to be built in San Francisco, that the people who occupy that building mainly being citizens of San Francisco, should be entitled to the same degree of safety as in any other building. I do not mean it to say that all buildings throughout the state of California should be made to comply with these regulations in San Francisco,because many times we have different requirements. We are probably the second most dense city in the United States. We have had a serious earthquake and fire here. As a result, we are conscious of these things. Our governing body has decreed that private construction must meet this within the City and County. It would be my personal belief that state construction within the city and county should also meet these regulations.

BRADLEY: Well, Mr. Levy, at the present time, when this state building annex was built here, and just recently completed, was the inspection during the course of construction made by the building department of San Francisco?

LEVY: No, it was not. I think there were discussions held with the building department, and this precedes my time in office, so I may not be entirely accurate. But I understand there were some discussions. There were some discrepancies between the San Francisco code at that time and the palns for these buildings, whereby it does not conform in all respects, yet is was built without conforming. This is my

understanding.

BRADLEY: What you are suggesting is that if the local jurisdiction has a higher standard than the state, then the state should comply with the local jurisdiction.

LEVY: That is my belief, yes.

BRADLEY: Although you will admit that the state's standards, even though they may in a few instances be a little less stringent than the local requirement happens to be, are still safe standards, generally speaking.

LEVY: Generally speaking, yes. The reason that a city usually adopts more restrictive requirements is either because of a greater consciousness on the part of the city to safety for one reason or another, or because of specific problems within that city. They could be narrow streets, more dense population, many different things. But it is my belief that when operating within a city or a county, that the state should conform to those regulations, if all private citizens must conform to them, and that should their be a higher degree of safety required in this community, that the citizens of that city, when they go into that building, the fire department if they fight a fire, or any one of a number of groups, should have the benefit of that safety, whether it be a state building or a private building in that city.

BRADLEY: I think the most important issue that you are raising is, in your opinion are the state standards so vastly different from those now of the City and County of San Francisco that there is a real problem involved here? I think that's about what would cover this. In your opinion, are they so fundamentally different that there is a serious problem involved, of safety? To the public?

LEVY: It is awfully hard to answer your question, sir. In many respects they are the same. In certain respects, as I mentioned, exiting, types of materials, they are different. It is very hard to attach a

definite degree, so different, but I mean there are difference, depending on the type of occupancies, and types of materials used. We regulate plastics to a greater degree. We control fireproofing of structural members to a greater degree. Now, how much of a hazard it is, is very hard to determine. It would depend on the particular circumstance. As Chief Vance says, the odds are 10,000 to one that a particular building will not catch on fire. Then you get into further odds as to what damage it would do if it did catch on fire. I am saying that it is different, and it would just be my personal belief that the state should conform in those areas, since the taxpayers of the city will have to pay the additional funds and also enjoy whatever additional safety there is from these stiffer ordinances. They are done purposely by the counties and the cities.

McMILLAN: I would like to hear from Mr. Vance and Mr. Cobden on your statement, Mr. Levy. You can stay there. All right, Mr. Vance.

VANCE: I would start off by going back to the first thing that Mr. Levy brought up and that was the retroactivity and state minimum requirements. Now these of course again effect public assemblies, achools, and institutional occupancies. I will say this -- Mr. Levy didn't say it today, but in the hearings which he mentioned and he did quote from them, that retro-activity is a very undesirable situation, by and large. All sorts of things can happen unless you spell it out very definitely and specifically. And I would say thisfor the record and for the committee that for almost 30 years these have been spelled out very precisely and very specifically. They are substantially in the interest of concessions, reducing the basic building requirements as contained in any code. They have to. They have to be administered on a very reasonable basis. We don't put a fire year period in, we don't put any type in. The legislature saw fit to say, go into these buildings and bring them up as nearly as possible to a reasonable degree of safety.

That I think we have done. But making a survey first, very thorough survey by people trained in this business, then establishing a priority scheduling, sprinkling your basement should have maybe number one priority and then your interior finish, materials, or possibly the corridor protection, the transoms Mr. Levy mentioned and so on. True, some of this will take four or five years. In hospitals, multiple story hospitals it has taken as high as 8 or 10 years, to get to the conductive floors and some of the new concepts that have developed in that 10 year period. But by and large, fire and life safety regulations are only as good as the retroactivity that can be put into them. Because new buidlings, and we are very strong proponents of the uniform building code used throughout the state except maybe in San Francisco and in Los Angeles. We think this is a very reasonable code. It's a performance document. You can trade one material for another, you can substitute, a very very desirable thing. Simply, you can use gypsum wall board instead of plaster or vice-versa. We only take nationally recognized tests, this is true, which maybe sounds like you are deviating from performance. But somewhere there has to be a criteria. Factory mutual, underwriter's laboratory, or any private laboratory with national recognition. We'll accept them. We don't read things in, and I know Mr. Levy can rebut this probably, that he needs this, to illustrate very briefly, the protection of a steel beam, supporting beam, in the test furnaces at 2,000 degrees, there was some deflection, but it still passed a four hour fire resistive test, with the deflection, or with the ceiling falling in this intense heat for four hours. We believe this laboratory test proves than in 2,000 degrees it lasted four hours. This is all we need. The fact that the material feel I think was of great concern to Mr. Levy, so they wrote that into their code, making it more restrictive. I would say for the benefit of other cities in California and probably the western part of the United States, this is the only area in which that has been

done. Now, possibly his problems are that unique in a highly congested area. I would defend him on that basis. The hearings on Title 19 -- a great many things evolved. The basic philosophy in the statutes themselves immediately comes out. Who has the jurisdiction, why is the fire official in here, when the building official should be. To strike a very keen line of demarcation or a threshhold between these is literally an impossibility. It has been our experience, and I think many of the fire people here and any of the building officials will testify to this, where there is a wholesome approach to the problem with the end point in mind, there is good effective enforcement. It's this simple. The fire chief is delegated very specific duties under the statutes. All he has to do is say to a building official, come along as my authorized representative. So where you do have this wholesome cooperative relationship, we've had no problems. There is always this worry that someone is taking this prerogative or somebody is taking the prerogative away from the various agencies. We in the fire business are probably as jealous of this as anybody else. But this doesn't reflect a big problem on the local area. We think the uniform code, and as people who have lived with this code, enforced every detail except the structural part, believe it could be used very effectively in every city in the State of California. And I want that for the record. It is a performance document. It's built along lines,taking into consideration seismic problems, clearances, narrow streets, wide streets, courts, yards, heighths of buildings and the whole gamut that goes into the construction of a building.

McMILLAN: Thank you, Mr. Vance. Mr. Cobden, would you like to make a statement?

COBDEN: My name is Harry Cobden, with the State Building Standards Commission. We are a commission that has somewhat more authority than when the commission was first established. We review building regulations

and we must review them for conflict, duplication, overlap or nomenclature and also whether or not they are written on a performance standard. I was on the committee, the Assembly Committee for Public Health Advisory Committee that drew up and put before your committee AB 787 which has been discussed by Mr. Levy. I do believe, and I did at the time it was drawn up, there are certair deficiencies in that legislation that must be corrected if it is going to be operable in cities.

McMILLAN: How did that bill get in the Public Health Committee? Does it have any relation to Public Health particularly?

COBDEN: I don't know. Anyway, it got in there and it passed and was signed by the Governor in the last regular session. AB 1739, as you know, giving the Commission more authority was not, and later it went on special call as AB 49 and that is what we have just commenced to operate under now, a month ago. Well, anyway, this objection that Mr. Levy brings up in regard to following certain proprietary codes, I believe is well taken, because it is delegating the regulating authority to a private body, such as the international conference of building officials. I have been a member of it 30 years; it's a good code but at the same time I do not believe a state agency or a city should entirely delegate their legislative prerogative to a private body. That is my own personal feeling. And also, correct me if I'm wrong, I know of no city or political subdivision that has adopted the uniform code as such. You haven't. You haven't either. And yet, many people have advocated that the State Building Standards Commission recommend to all the state agencies that this code be adopted in toto. Well, the agencies couldn't live with it. It's written by material men and other interested agencies. It is the best code on the market, but still no city can live with it, and no state agency could live with it as such. Those are my feelings, and I think they are the feelings of

the commission. They were at the last meeting. The new commission hasn't been appointed. The commission will review these regulations. We have been working very, very closely with the state Fire Marshal in the promulgation of them. His public hearings are over and we hope to have them in Title 24 -- that will be one state uniform building code we hope within the very near future. Part of it dates -- it has been set and set since 1953 as you people probably know, it was before the A. I. Stewart committee way back then and just very recently due to AB 49 Ex --

McMILLAN: How are you getting along with the Housing Authority?

COBDEN: We haven't received their official document as yet. We have been reviewing and holding the public meetings but we will get that, I understand, in the very near future, and will go over it under the outlines as outlined in the law for performance. And I might say, Mr. Levy, that I do not believe -- it is my belief and our attorney's belief -- we have an attorney on the commission now, that under the Marks amendment, the Milton Marks amendment to 787, that the state has anything to do with zoning, property lines, yard requirements or area requirements of residential buildings. That includes apartment houses, hotels and dwellings and that would include in my mind, at least, and the attorney's mind, interior courts or exterior courts. So perhaps that worry can be removed. Anyway, it would have to be perhaps amended to make it clear at some future session. That was brought out very carefully in the Marks amendment, that the cities would reserve the right. Because there is this Taft case philosophy, where a state may pre-empt the field. I don't know, if it ever went to court. They did in schools, public schools, and using that same philosphy they might pre-empt the field in residential requirements and occupancies. I don't know. Perhaps you have some specific questions you would like to direct to me.

McMILLAN: Any questions from the committee?

LEVERING: I have one question I want to ask Mr. Levy, if he wants to go back to this retroactive legislation that you told us about in your early statement. I think you said as it effects apartment houses, and you said it did not include hotels. Is that right?

LEVY: No, sir. If I did, I mis-stated it. It effects apartment houses and hotels, all residential occupancies, but does not effect commercial or institutional where there is no living.

LEVERING: I see. Well, the point I was wondering about was this. This legislation is going to require changes in apartment houses and hotels, that when they were built, were built in accordance with the code that existed at the time they were built. Is that correct?

LEVY: That is correct.

LEVERING: Now, when you get into this, has this legislation been before the courts to determine whether it is constitutional or not?

LEVY: I am not an attorney. Our particular legislation has not, but it is my understanding that throughout the country it has been before the courts many times.

LEVERING: Has it been before the supreme court?

LEVY: I am not sure, sir. But I know it has been before many courts throughout the country and so far has been upheld where it is a definite intent of the legislative body to incorporate retroactivity and where there is a public need.

LEVERING: It's treading on pretty dangerous ground there. Suppose that we decide that we are going to build an apartment building now. We put together a company, or a group of people go together and we go submit our plans to the City of San Francisco, get a building permit to build it in accordance with all the laws that now exist. Five years hence the governing body decides to change the code. I wonder if we're not getting in pretty deep when you tell you and me who are owners of this property that was built in accordance with the law, that now we

have to go to extra expense to change it.

LEVY: I was wondering if I could clarify maybe, what I had said.

LEVERING: Well, you clarify what's in my mind, because that's what's in my mind, and I don't like it.

LEVY: I don't blame you.

HAYES: May I have the floor a minute? My name is Chief Hayes, with the San Francisco fire department and I would be glad to send you a copy of the findings of the opinion of a superior court judge, or a supreme court judge -- I am not sure which -- on that particular statement. We have that in our files in the office, and I would be glad to make that available to you.

LEVERING: I would like to have it.

HAYES: If you build a building today and laws are enacted subsequently you will have to abide by those laws. I believe that is stated, very definitely so. I will send you a copy of it if you would like to have it.

LEVERING: That may be what the courts have ruled, but I don't believe it is right.

HAYES: It is the ruling of the court.

LEVERING: I don't believe it is right, and I doubt whether it would stand up under a constitutional supreme court.

HAYES: I will send it to you if you like.

LEVERING: I am referring to the local ordinance. You go ahead and clarify this. I don't like the way this sounds.

LEVY: There are many buildings built throughout the years in San Francisco as well as elsewhere, dating back through the late 1800s and up to date. During that period there have been many code changes. The codes are changed, the uniform building code, for instance, is changed every three years. Right now we are trying to stay to a yearly schedule. Because a building code or a housing code is changed, does

not mean that the owner would have to comply with that new code if his building were built prior to that. In other words, if somebody built a building prior under the 1958 uniform building code, and there are amendments to that code, normally you would not have to change your building. Now, there were these certain regulations, and that is what I tried to emphasize, specific items, which the Board of Supervisors in San Francisco deemed necessary for minimum public health and safety, which were not law at the time the building was built, but were of such importance and so necessary for public health and safety that it was deemed necessary that all buildings have these specific things done, and that's what I mentioned, they are very carefully codified in the housing code to indicate exactly what sections are retroactive, so that means there is no question of intent in the legislator's mind on those specific points. Now many of them are not nearly as restrictive as the same requirement under the particular latest code. They are meant to be the minimum requirement. For instance, taking transoms. Up until -- I don't remember the exact year, but for many years transoms were allowed, the glass transom that is openable. These have been a source of very serious hazards. Our retroactive law now requires that they be sealed up, locked and the glass covered with an incombustible material. In other words, a very minimum change that would evolve reasonable safety. Still not as good as the buildings that were built with a full corridor wall.

LEVERING: That's the reason that I can't open the transom in my hotel, is that right?

LEVY: I believe that Chief Vance and I are in complete agreement on this particular point, this question of retroactivity. Where Chief Vance and I do not agree, is the language of the regulations which in my mind are -- of the state regulations, Title 19, the proposal and also the existing, which do not specifically delineate, or leave great question as to what is retroactive, whereby certain areas could be, if

a building were a certain height or area, built legally many many years ago, it could be forced to reduce that area, if something is a fire hazard, without a complete definition, it can be removed.

LEVERING: May I ask you this question. What happens to the fellow that refuses to make these modifications? What is he guilty of?

LEVY: If it were the San Francisco code --

LEVERING: That's what we're talking about. What is he guilty of?

LEVY: He would be guilty of a misdemeanor, and I think it would be the same under the state law. In addition, we also have the condemnation process in San Francisco as in many cities, where a building after a public hearing can be condemned if the owner refuses to modify it, we try to get an injunction and it is heard before the courts.

LEVERING: And what do you do with it if you condemn it?

LEVY: Normally, unless it were an extreme hazard, we would give it to our City Attorney, he would take it to the superior court in an effort I believe to obtain an injunction, and the matter would be heard in court.

LEVERING: And make him tear it down, is that the idea?

LEVY: Or repair it, or restore it, one or the other. If there is a hazard, if the building is substandard it should either be brought up to standard or demolished, one way or the other. Now, an extreme hazard in San Francisco where we are both a city and a county, we would take it to the district attorney, and try to get him to take some action through the municipal court on a misdemeanor. That would effect only the owner, though, rather than the building itself.

LEVERING: What right does the property owner have in the illustration that I just made to you a minute ago. A group of us go together and we now build an apartment house. Five years later you change the code and you say you have to change these things, we're going to condemn it, so

what rights do the property owners have under that sort of circumstance? When you can pass these retroactive laws?

LEVY: Well, in San Francisco, at the city level, this would be one of the retroactive provisions that the Board of Supervisors might later pass, because if it wasn't retroactive, if it were just a code change, you wouldn't have to comply with it. Given a retroactive provision, normally the first thing we would do would be to hold the condemnation hearing where the owner could be heard as well as myself as the person making the charge. If the hearing officer, which in this case would be the director of Public Works, would declare that the building should be condemned, they have the right of appeal to a housing appeals board, which is a lay group, and which has the right to modify any provision. They could also go to the Board of Permit Appeals, like taking out a permit and refusing to do these things. Now, if they could not win any of these appeals, they just let it go, the city would then take action through the superior court and it would finally get to a court hearing to determine what should be done and then the ruling of the court would then be the action. This happens quite often. We have several cases a week, a month, at least, that end up in superior court. Now, in the case of a dangerous hazard that we feel must be corrected immediately,--

LEVERING: What would be the category of a dangerous hazard?

LEVY: A serious hazard would be --

LEVERING: In a building that was once built in accordance with the law?

LEVY: Well, take an abandoned building in a neighborhood where there is vandalism, people who could set fire to it, get in, we would order it barracaded within a certain number of days. If they would refuse to do that, we would consider that to be a serious hazard and go to the district attorney. There are several other illustrations.

McMILLAN: Thank you, gentlemen. Mr. Cobden.

COBDEN: On the retroactiveness, perhaps I could clear it up by saying this. If a building isn't properly maintained, then it can be ordered brought up to a certain standard, usually in most modern codes a percentage, 10% to 50% is indicated and if it goes over those percentages it usually has to be brought up to the particular standard that is in operation at present. When we are talking about retroactiveness such as perhaps is in your mind, Mr. Levering, where you build a building today and spend millions of dollars with it, and then some agency tells you you have to practically tear it down and do it all over again --

LEVERING: That's what I am thinking about.

COBDEN: I don't think that I know of any decision in courts, and that is where the final depository of our democracy does lie, would order you to do that, if the building is properly maintained, in a safe, efficient condition, or physical condition. I perhaps didn't bring out, Mr. Chairman, either, that when the commission was charged with this work, we have catalogued over 6,000 building regulations and the commission has decided that the building industry is the most regulated industry in the state. And the commission is interested in cutting these down perhaps to as many as you have in San Francisco, which is less than 400. The state doesn't take all occupancies, either, and they have over 6,000 building regulations, something that your committee, perhaps, should consider.

McMILLAN: Thank you very much, gentlemen. We have one other gentleman here, who would like to testify, I think, from the California Disaster Office. I want to clean up this fire today. Is Melvin K. Reiley here? Mr. Reilly, did you wish to make a statement for this committee? State your name and who you represent, will you?

REILEY: M. K. Reiley, Assistant Chief, Fire Division, California Disaster Office. Mr. Chairman and members of the committee, my statement

at this time would be a little premature. However, my comments would be confined to the House Resolution as it applies to the combining of the Fire Division of the California Disaster Office with that of the Fire Marshal's office. However, I would like to make a statement that as far as the Fire Division and the Fire Marshal's office, I don't believe you will find that there is any overlapping responsibilities and economically, I believe that you will find that for the best purpose to serve, our responsibilities would be for the Fire Division to remain with the California Disaster Office and not to combine with that of the Fire Marshal's office. I might give you an example, too, if you would like. I think that the record will show that the budget of the Fire Marshal's office back in 1942 or 1943, that there were certain people employed by the Fire Marshal's office with specific duties and functions of emergency planning and programming. This was done on a test basis and I believe this was under the Fire Marshal at that time, Mr. Peck. This experiment took place about 18 months, and then it was eliminated and those personnel went from the Fire Marshal's office into what was known as the war council, and this was during World War II and then later on this became the California Disaster Office, and the Fire and Rescue Division was established. I believe for the functions that we are responsible for, and administering the Disaster Act and emergency programming of planning, that we can best serve the fire service in California by remaining as a part of the California Disaster Office and coordinating our functions with the other emergency services, such as medical and health, law enforcement, radiological defense, all of this emergency planning I believe belongs with the California Disaster Office. And Mr. Chairman, that is about all at this time unless there are other questions or something leading up to this that I could make.

McMILLAN: Thank you very much, Mr. Reiley.

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

HEARING IN SAN FRANCISCO, September 11 and 12, 1962

PART I.

SUBJECT: H. R. 465 (Hawkins - 1961)
Relative to Fire Protection

Wednesday, September 12, 1962

CHAIRMAN McMILLAN: The meeting will come to order. This is a continuation of the meeting of the Governmental Efficiency and Economy Interim Committee, and we have a couple of witnesses to be heard on the matter of fire protection, and after we clean that up we will then go into House Resolution 440 referred to the committee by Assemblyman Hawkins on the State Transport Pool. The first witness this morning will be Dewitt Nelson, Director of the Department of Conservation.

NELSON: Thank you, Mr. Chairman, and members of the committee. My name is DeWitt Nelson, and I am Director of the Department of Conservation in which the Division of Forestry is situated. The statement that I have this morning is not particularly appropriate possibly to the discussion which you had yesterday in regard to building codes and so forth, but it is pertinent to part of the resolution No. 465. Under the public resources code, the Division of Forestry is responsible for the prevention and suppression of fires in the timber, water-shed and range lands. That is, those lands which are not owned or controlled by the Feceral Government and those forest, range and water-shed lands outside the boundaries of municipalities or incorporated cities.

The State Forester, with the approval of the Department of Finance, is empowered by law to enter into agreements with counties, municipalities, or fire districts for the purpose of prevention and suppression of fires of any kind. And under this provision the Division of Forestry has entered into such agreements with 25 counties of the state. 13 of

these involve significant numbers of firefighters, while the 12 others have agreements with us covering manpower, equipment and facilities. There are approximately 400 employees employed under this program, what we call the Schedule A program. The annual funding by counties under these cooperative agreements reaches a little in excess of 4 million dollars per year. They contract with us to do the job for them. This places the administration of regular forest fire protection and rural protection in these counties under the direction of a State Forest Ranger. This type of organization allows for coordinated attack on fires of any type. All firefighters in this category are state employees unified under one command. The radio frequency used is the one which is assigned to Forestry by the Federal Communications Commission and is common to all equipment on a county-wide basis. The striking force of both forest and rural stations within a county are frequently brought to bear on both Schedule A or forest fires as the case might be. We also have a wide and broad organization which can bring them in from across county lines if they are needed. The placement of Schedule A Service or rural protection under the State Fire Marshal's Office would divide the fire suppression activities within a county between two state agencies instead of retaining the present consolidated and integrated fire fighting force. This would make support action more time-consuming and complex to arrange, thereby reducing firefighting effectiveness. The State Fire Marshal's Office is primarily a regulatory body while our Division of Forestry is an operating unit, an operational thing in nature and a fire fighting organization.

Under the third whereas of Resolution 465 there was reference made to the standardization of uniforms. I'd like to speak briefly to this. In regard to wearing apparel the Division of Forestry personnel has developed certain uniform requirements that are standard for all employees whether they are performing the job for fire fighting or rural

structural protection. Of course in the case of structural firefighters additional safety clothing is provided by the State as set forth by the Division of Industrial Safety. This includes helmets to protect the head, turnout coats, and safety goggles and so forth. Since employee acceptance has been gained for our present uniform, and since it is relatively inexpensive and readily available we feel it would not be in either the employee's or the State's interest to see another uniform adopted. The fact that less than 20% of the yearlong employees are performing the rural fire protection job under the provisions of the Schedule A contract change in uniform would - we prefer to have one division-wide uniform to fill that purpose. If we were to change, it would in effect put part of our organization in one uniform and part in another which we do not believe would be desirable.

That, gentelmen, is the extent of my statement. I would be glad to answer any questions you might ask.

McMILLAN: Thank you very much, Mr. Nelson. Any questions from the committee? Thank you very much. Now we have another Nelson this morning, a Lowell Nelson, Chief of the Division of Housing, Department of Industrial Relations. Mr. Lowell Nelson.

LOWELL NELSON: Mr. Chairman and gentlemen of the committee, I have a prepared statement which I will read into the record, at the pleasure of the Chairman and the committee. This statement first off is a general statement covering the responsibility of the areas of the Division of Housing briefly, and then we have a statement that the committee may be interested in in having to do with retroactivity of applied standards.

McMILLAN: Mr. Nelson, since you have submitted your papers, will you just touch the high points in your presentation?

NELSON: Yes, sir. My name is Lowell Nelson, Chief of the Division of Housing, Department of Industrial Relations of the State of California.

I have with mr, Mr. Chairman, Mr. Sidney Lang, who is one of our area supervisors and one of our code experts and field operatives, and he can answer questions also if the committee so desires. We have several areas of responsibilities you will note from the statement -- the State Housing Law, the Mobile Home Law, the Earthquake Protection Law in certain instances, the construction of trailer coaches, particularly in installation of appliances and equipment within the coach. Standards of the shell and running gear are not covered by the law at this time. We also have under the Labor Code the responsibility of the 3,000 labor camps of record in this state, largely agricultural workers, over 80% of these camps house agricultural workers. I judge from sitting in part of the committee hearing yesterday that you are interested in retroactivity of the State Housing Law. There were several questions, and on page 6 of the statement I have a statement on retroactivity. When we say retroactivity I assume we agree on the use of the term. In other words, should a building be in compliance with the former law on the date a more restrictive provision becomes effective, which is considered to be not retroactive, then it cannot be required that the building be reconstructed with the provisions of the new enactment. However, the State Housing Law allows more restrictive local regulations. The major fire and safety provisions covering apartment houses and hotels were added by the 1947 legislative session. The bills as introduced in their original form were completely retroactive. However, in the process of enactment, their retroactivity was stripped from the bills, with one exception, the requirement for a means of access from the last balcony to the ground. It was necessary for the proponents of the legislation to accept the non-retroactive provisions in order to obtain any of the fire safety provisions in the law. The new State Housing Law provides that new regulations relating to erection or construction are not applicable to existing buildings. However, all

regulations relating to the use, maintenance, and change of occupancy are applicable to all buildings. Retroactivity continues in those provisions formerly designated as retroactive by the old statutes. I might say that in the long series of hearings by the Assembly Interim Committee on Residential Fire Safety under the direction of the vice chairman of the committee, Assemblyman Mulford, we discussed the possibility of retroactivity provisions being included in the legislation which was enacted by the 1961 session. However, it was agreed by the committee at that time that California should put in action process to adopt a basic minimum housing code for the state, with local prerogatives of administration and jurisdiction, and also with the prerogative of becoming more restrictive if they so desire in their own political area. And at that time, as I have stated here, the only provision in law made reference to the use, maintenance and change of occupancy in the provisions of the law. They do not apply to existing buildings and do not become effective until the new regulations are adopted, sometime in the very near future.

McMILLAN: Do you feel, Mr. Nelson, that any new legislation is required?

NELSON: Mr. Chairman, we are at present in consultation with the Attorney General's office in endeavoring to clear up the old state housing act which was made into rules and regulations by the 1961 legislature. We have some doubt as to the applicability of some of the sections as far as retroactivity is concerned, and we are now consulting with them, endeavoring to clear this up. We hope to have some recommendations in this field prior to this coming session of the legislature, after we have cleared the matter up properly. I firmly believe that retroactive provisions of any statute or rules and regulations should be spelled out. This is something we are trying to attain at the present time.

McMILLAN: Mr. Nelson, did you say you didn't feel that there was any overlap between your department and the State Fire Marshal?

NELSON: Yes, sir, I did make that statement. I have it here in writing, on page 5. Our statement is to the effect that there is no overlapping or duplication of activities between the Division of Housing and the State Fire Marshal. The law designates the Chief of any city or any county fire department or fire protection district and their authorized representatives the enforcement applicable to apartment houses, hotels and dwellings, of provisions pertaining to fire prevention, fire protection, control of spread of fire and safety from fire.

McMILLAN: I may have been mistaken, but I understood the Fire Marshal yesterday to say that there was some overlapping. Mr. Vance, would you care to respond to that?

VANCE: Glenn Vance, the State Fire Marshal. As far as my testimony yesterday, I didn't actually indicate there was any overlap. I do believe as I indicated yesterday in my written statement that there is a substantial portion of paralleling activities. I am making particular reference to the hotel and apartment houses situation. By this I mean we do enforce very similar provisions in the three occupancies where we do have basic responsibility, the public assembly, the schools, and the institutional occupancies. There probably the paralleling ceases. The Division of Housing regulations do go substantially deeper. They do go into structural requirements, basic structural which the State Fire Marshal's office never enters, leaving this to the local building officials by and large, throughout the state.

McMILLAN: Then you take over more or less after the structure is completed, is that it?

VANCE: No, by structural I mean we do handle all provisions up to the point of say loading, or stresses. The actual structural

condition of the building. We do believe that a more than substantial portion of the Uniform Building Code, for example, which we do adopt by reference and which I understand -- I can't speak for the Division of Housing, but it was indicated in the law that they, too, will also adopt this -- does pertain directly to fire and life safety. I would say 75 to 80% of this. True, they do delegate authority to the local fire official and of course to the local building official, a very wholesome arrangement, I would say, the same as we do.

McMILLAN: You are both agreed that there isn't any serious or flagrant overlapping of responsibility?

VANCE: There is no flagrant overlapping. We do parallel each other's functions up to a given point. The percentage I would be reluctant to state without seeing their new proposed regulations.

McMILLAN: You think that the system now is working out satisfactorily.

VANCE: Well, finally after many years I would say this for Mr. Nelson's organization, they have got out of the unwholesome untenable application of statutes, and have finally been able after this many years to get into the regulatory field and evolve with some flexible performance type regulations on buildings instead of this thing which they had to live with before and that was to try and enforce a statute, where there was no flexibility, no elasticity. By and large, I think Mr. Nelson will agree, at least from our point of view, those areas pertaining to fire and life safety were becoming quite archaic as far as the old housing act was concerned.

NELSON: Mr. Chairman, Mr. Vance's statement is quite true. We are very much in accord with the legislation which was adopted by the legislature at the last session, in order that we may promulgate rules and regulations instead of referring to statutes. This is excellent legislation. It has been accepted by all parties in the state as being

a very progressive move. We consider the State Fire Marshal's office and the local fire officials and fire officials generally experts in their field. We consult them in the promulgation of any rules and regulations which are stated as a minimum for the state and I again say, as far as I can determine, there is no overlapping and it is not the intention of this division to overlap with other agencies and perform duplicate services.

McMILLAN: Any questions from any of the members? Mr. Bradley.

BRADLEY: Referring to page two, Mr. Nelson,of this statement, the second paragraph, I think that you there intended generally to set forth the powers of you department, is that right?

NELSON: Yes, sir. This could be said as true.

BRADLEY: If this is the general language of the state Labor Code, this goes into a very broad field, doesn't it? I mean, it goes far beyond the housing conditions of agricultural workers, for example.

NELSON: Well, yes. We do have authorities granted by the legislature. This has been in the act since long before I came in there, probably 1913, to investigate housing conditions generally. I might say that our field is limited in this area. Our activity is limited in this area because of shortage of personnel. We do not -- it is not our policy to arbitrarily go out and investigate conditions, but on complaints, a request from cities and counties which come in all the time for assistance, consultation, and effort in their behalf. We are confined pretty much to this area.

BRADLEY: When you say you are asked by cities for assistance, consultation, specifically, what would that be? What would be the nature of that request?

NELSON: Well, sir, we are very careful when we are called in to assist to get the particulars straightened out before we actually enter into any particular investigation or assistance. Local pressures

sometimes are such that they would care to have outside experts come in and assist them to make inspections, to consult with their own departments, to make out proper complaints and build substantiating evidence towards a position which the city desires to take.

BRADLEY: When you say inspections and complaints, are you talking about old housing, are you talking about urban redevelopment, slum conditions?

NELSON: No, sir, we are not talking about urban redevelopment or slum conditions. We are talking about slum conditions if specifically the city should request that we advise them or assist their department in outlining an area or detailing the officials as to the shortcomings so the necessary action can be taken to bring up standards to a certain level. For instance, I believe at the present time we are assisting about six cities in California who have particularly asked us to assist their building departments in some cases, abatement proceedings, under the state housing act. The state housing act, sir, has been tested in court and will stand up and is an instrument in this state which is used extensively in that field. We have -- Mr. Lang, probably, can give you a specific instance. Mr. Lang was a supervisor in the central area for many years before moving to Santa Rosa. If you desire a more particular--

BRADLEY: Can you give us the names of 4 or 5 of these cities that you are working with now?

LANG: Yes, sir. My name is Sidney G. Lang, North Coastal Area Supervisor, Division of Housing. On page 5 there is a reference to one of the results of this recent legislation, the change in the state housing law. And as a result of this, the statement says that prior to September 15th, 1961, there were 30 counties with building departments. As of September 1, 1962, there are now 51 counties with established building departments. A good deal of time of several of our people, especially in these northern central counties that formerly didn't have

building departments is spent in consulting with them, assisting them in setting up their departments, assisting them in choosing their personnel, advising as to their minimum requirements, of state laws, assisting them in interpretations, assisting them with reference to the records we have as to criteria that have been set up, perhaps appellate decisions, various things. As to one of the basic reasons for Assembly Bill 787, was to achieve some uniformity in building standards throughout the state, and the division os placed in the role as a consulting agency in assisting them in achieving this uniformity interpretation. We are asked at times to assist as Mr. Nelson said where they are having difficulty in condemnation, they have questions as to whether the codes are applicable.

BRADLEY: Can you give me the names of some of these cities you have been working with?

LANG: We have recently in our coastal area the County of Del Norte has established a building department, the County of Mendocino, I personally sat an a personnel review board in the County of Sonoma.

BRADLEY: These are mainly county activities, then, I take it, rather than cities.

LANG: I quote them because they are the ones that I mentioned that set up new departments. The City of Berkeley recently asked for interpretations of state law; the City of Alameda; the City of Oakland; the City of San Pablo. I have letters, just recently, went over my desk. I mention these closely because these are within my area. The City of Modesto, City of Stockton -- we have recent correspondence with the City of Stockton.

NELSON: Mr. Bradley, I could possibly add a little more here. You asked specifically for cities. I can think at the moment of one city which we are assisting. Understand, this is a brief -- we set the time, the time that we can expend in such an activity and this is worked out

before we enter into the agreement with the city officials. We have the City of Westminister who has a problem, a very definite problem, and asked us to come in and assist them. This was done by formal action of the city council. This related to some trouble with the local building department and officials and so on. The City of Portola, if my memory serves me right, we had a half block of old housing which they desired to be eradicated and torn down. They desired the advice of the Division of Housing for the rehabilitation of these buildings. They have a small building department and in that case we did function and it was worked out satisfactorily to the local officials, to the credit of them and the division also. Those are two cities that I can mention now. It seems to me that we had several more in the south, even the City of San Francisco has asked for interpretations of the state housing act in reference to some problems that arise in this metropolitan area.

BRADLEY: This whole matter comes under the State Labor Code, is that right? According to this?

LANG: The enabling act for the Department of Industrial Relations invested in the Division of Housing is contained in the Labor Code. The enabling act which set up the Division and the Department, which names our duties.

BRADLEY: Do you have any other of your duties under any other code besides the state Labor Code?

LANG: Under the Health and Safety Code, and as laws are enacted, if they have to do with housing of people, we have been the Division of Housing in the Department of Industrial Relations, and have been named the enforcement agency.

BRADLEY: Did AB 787 broaden your powers considerably?

LANG: No, sir. I was going to say in the matter of writing regulations. However, this is not so. The Division has had power. In fact, the directive of the legislature to write rules and regulations

to implement and interpret and make specific all the laws they enforce. Under 787 our powers were not expanded. The administration and enforcement of the state housing law is exactly as it was before, with the exception of the addition of the local fire services. The Division's role or enforcement powers have not been expanded. In fact, it has been the express purpose of the legislation to grant the enforcement to, or require the local cities and counties to enforce, if they so desire or are willing to and are able to.

BRADLEY: Just to clear this up in my mind, on page 2 you referred to "Today the state Labor Code grants to the Division, in addition to general provisions for investigation and examination in the field of housing, the power to make investigations of housing conditions, to report on the social results of bad housing, to study the operation and enforcement of building laws and ordinances, finance, taxes, zoning, and re-districting regulations." Now, is this new, or is this existing law?

NELSON: No.

BRADLEY: And does it apply generally to all classes of housing, over and beyond agricultural workers' housing?

NELSON: Yes, sir. Mr. Bradley, I would like to mention at the present time the Division is under contract, working with the Governor's advisory, special advisory committee on housing problems in California. We are contributing our experience and our records, along with some special surveying work that was done in the state and the report will be out very shortly, for the 1963 legislature. This is the type of work which we have been carrying out and we are empowered to do, and under the law we were designated to so do.

McMILLAN: Have you any further questions, Mr. Bradley?

BRADLEY: No, Mr. Chairman. I just wanted to get the picture clear.

McMILLAN: Any questions from other members of the committee?

Do you have anything further you would like to add?

NELSON: No, sir. We have given the committee a few ideas about what we do and if you desire any additional information or questions we would be glad to furnish them, and again I want to say that we have furnished to every member of this committee a break down report on the custodianship of AB 787 since its enactment to about the present date. And I believe this was mailed to each member of the committee. It shows what the Division has been doing and we have been very active. One thing I might add, we have a very wholesome respect for home rule and I feel that the legislative intent under this legislation is that we should assist at all times local political subdivisions and cities and counties to attain their own departments, their own administration and assist them also in promulgating additional standards if they so desire, over and above the state minimum requirements for housing.

McMILLAN: Thank you very much, gentlemen. Now that concludes our testimony on House Resolution 465 by Mr. Hawkins relative to fire protection.